

File 3/1/94

FEBRUARY 25, 1994

TO: Board of Selectmen
FROM: F. DORE' HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

MARCH 1, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 CHAIRMAN'S MINUTE
2. 7:32 BOSTON GAS - GREAT ROAD - Enclosed please find petition information and staff comment for Board action.
3. 7:45 PUBLIC HEARING - STREET ACCEPTANCE - KENNEDY LANE
4. 7:50 VILLAGE SAAB - Class I License review continued from December Renewal action.
5. 8:15 BOARD OF HEALTH - William McInnis will present proposed Public Health programs for Board review and action.

III. SELECTMEN'S BUSINESS

6. EAGLE SCOUT - Enclosed please find a request for attendance at a Court of Honor from Troop 32 for assignment.
7. CONTINUED BUDGET DISCUSSION
8. INVITIATION - Please find enclosed invitation from Karen Sharp, Gates School PTO Chairman, for Board discussion.

IV. CONSENT AGENDA

9. MINUTES - Enclosed please find minutes of January 18, 1994 for Board approval.
10. WENDY'S SITE PLAN SPECIAL PERMIT - Enclosed is the Site Plan Special Permit decision for Board action.

11. ACCEPT GIFT - WEST ACTON CITIZEN'S LIBRARY - Enclosed please find three gifts of money for Board action.
12. PROCLAMATION - Enclosed please find a request from American Red Cross to proclaim March as American Red Cross Month for Board action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

- February 27 - ACHC Adams Street Project at Town Hall
- April 10, 1994 2-4 P.M. - Open House Senior Center

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

March 15, 1994

Metropolitan Deli - Special Use Permit
Common Vic

Costa Donuts - Special Use Permit
Common Vic.

NARA/Bldg. Commissioner Public Meeting
Sichuan Pavilion, Inc. - LIQUOR RE-HEARING

MARCH 29 - 1994

Beginning at 8:00 P.M.

ATTENTION

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

TOWN MANAGER'S OFFICE

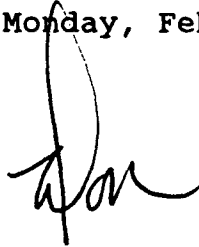
DATE: Feb. 25, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Municipal Forum Meeting

The next meeting of the Municipal Forum is scheduled for March 7 ... not Feb. 28 ... just in case there are any questions. School and Town Staff will meet next Monday, Feb. 28.



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Feb. 25, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Special Meeting

The Chairman is concerned as to whether the Board will be able to complete its work on the Budget and Warrant Tuesday evening. Since we must go to print, he has posted a potential meeting of the Board for Thursday evening, March 3, at 7:30 PM in Room 126, just in case we do not get through Tuesday.



3-1-94 - (2)

TOWN OF ACTON
INTER-DEPARTMENTAL COMMUNICATION

DATE: 2/17/94

TO: Board of Selectmen
FROM: Dennis Ring, Engineering Assistant II D.P.R.
SUBJECT: Boston Gas Petition
Great Road @ Acorn Park

We have reviewed the petition for the above referenced location and we have the following comments.

The Petition is for the installation of a new gas main on Route 2A which will serve the recently approved residential subdivision of Acorn Park. Route 2A is a state highway, and therefore, a road opening permit from the Mass. Highway Department will be required.

We do not foresee any problems in granting this petition.

.94*146

BOSTON GAS PETITION

FOR: Engineering Assessors

LOCATION Acorn Park

ORIGINAL PLANS ATTACHED ✓

ORIGINAL PETITION ATTACHED ✓

PLEASE RETURN ORIGINAL PLANS AND PETITIONS ✓

PLEASE SEND COMMENTS AND RECOMMENDATIONS ✓

ASSESSORS: FOR IMMEDIATE ABUTTERS

648

Dennis - No hurry - I don't intend
to schedule to mid-March for
BOS Action.

PETITION OF BOSTON GAS COMPANY FOR GAS MAIN LOCATIONS

To the Board of Selectmen of the Town of Acton, MA:

The Boston Gas Company hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways, and places of

Town of Acton and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

approximately 57 feet, more or less, of 3 inch gas main in Great Road (Rte. 2A), Acton from the existing 4 inch gas main in Great Road, southerly to the proposed Acorn Park Drive. Submitted is a set of plans of said gas mains.

DATE January 24, 1994

BY


Francis X. O'Leary

.....
ORDER FOR GAS MAIN LOCATION

_____ of the Town of _____, MA.

IT IS HEREBY ORDERED that the locations of the mains of the Boston Gas Company for the transmission and distribution of gas in and under the public streets, lanes, highways, and places of the Town of _____ substantially as described in the petition dated _____, 19 _____, attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Boston Gas Company shall comply with all applicable provisions of law and ordinances of the Town of _____ applicable to the enjoyment of said locations and rights.

Dated this _____ day of _____, 19 _____.

I hereby certify that the foregoing order was duly adopted by the _____

_____ of the Town of _____, MA on the _____ day of

_____ 19 _____.

BY _____

Title

Street
MN#

RETURN ORIGINAL TO THE PERMIT SECTION
BOSTON GAS COMPANY
201 RIVERMOOR STREET, BOSTON, MA 02132

FORM #1444 Rev. 90

RETAIN DUPLICATE FOR YOUR RECORDS

GREAT

(RT. 2A & 119)

Ex.

4"

GAS

Ex.

4"

HARRIS

(STATE HWY)

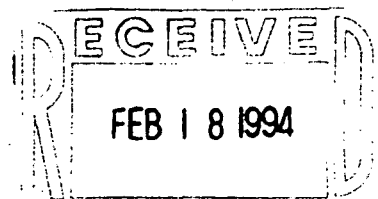
ACORN PK. DR

PROP. 3" GAS
57'

PROP. 3" GAS

(PRIVATE)

3-1-94-(3)



TOWN OF ACTON

INTER-DEPARTMENTAL COMMUNICATION

DATE: 2/18/94

TO: Don P. Johnson, Town Manager

FROM: Donna Jacobs, Assistant Planner

SUBJECT: KENNEDY LANE
Street Acceptance

D. Jacobs

*BOS FILE
FOR ACCEPTANCE HRG.*

The Planning Board discussed the acceptance of Kennedy Lane as a Town way at its meeting of February 14, 1994. The Engineering Department reported that a final inspection was performed and the work required was complete and satisfactory. Town Planner Roland Bartl authorized final release of the performance guarantee for the subdivision on behalf of the Acton Planning Board on 1/26/94. In addition, Mr. Fenton has submitted all of the required documentation for acceptance of Kennedy Lane as a Town way. Therefore, the Board voted by unanimous vote of those members present to recommend acceptance of Kennedy Lane to the Board of Selectmen.

cc: David Abbt, Engineering Administrator

dw11.200

3-

FILE COPY

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (508) 264-9612
Fax (508) 264-9630

Don P. Johnson
Town Manager

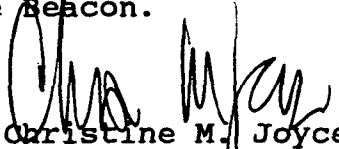
February 10, 1994

BEACON COMMUNICATION
20 Main Street
Acton, MA 01720

BY FAX

Atten: Legal

Please place the attached notice of public hearing in the
February 17 and 24th editions of the Beacon.


Christine M. Joyce
Town Manager's Office



BOARD OF SELECTMEN
NOTICE OF PUBLIC HEARING

Middlesex, ss.

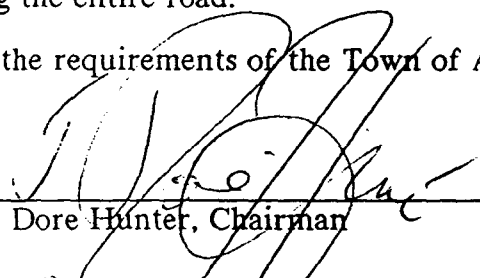
Town of Acton

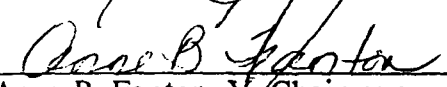
In accordance with Section 22 of Chapter 82 of the General Laws, notice is hereby given by the Selectmen of the Town of Acton that they will meet at 7:45 PM in Room 204 of the Acton Town Hall, 472 Main Street, on Tuesday, March 1, 1994 for the purpose of laying out as a Town way, for acceptance by the Town at the Annual Town Meeting, the way known as:


In the Kennedy Estates Subdivision

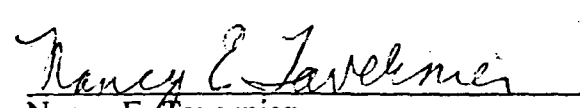
Kennedy Lane - From the southerly sideline of Arlington Street a distance of 467 feet, more or less, in a southeasterly direction to the easterly sideline of a 77.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

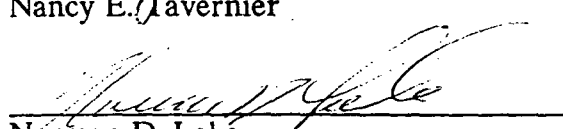
Said way is to be laid out in accordance with the requirements of the Town of Acton.


F. Dore Hunter, Chairman


Anne B. Fanton, V. Chairman


William C. Mullin, Clerk


Nancy E. Tavernier


Norman D. Lake

BOARD OF SELECTMEN
TOWN OF ACTON

***** -COMM. JOURNAL- ***** DATE FEB-10-1994 ***** TIME 14:01 ***** P.1

MODE = TRANSMISSION

START=FEB-10 13:59

END=FEB-10 14:01

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
-----	-----	-----------	--------------------------------	-------	---------	--------------

001	OK	[03]	BEACON	002		
-----	----	------	--------	-----	--	--

-TOWN OF ACTON

-

***** - 508 264 9630- *****

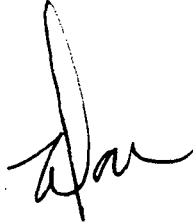
3-1-94-(4)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: February 25, 1994

TO: GARRY RHODES, BUILDING COMMISSIONER
FROM: DON P. JOHNSON, TOWN MANAGER
SUBJECT: CLASS I LICENSE RENEWAL
R. SANTILLI AUTO GROUP, INC.
d/b/a VILLAGE SAAB, 30 MAIN STREET

The Board of Selectmen will be considering the class 1 license for Village Saab on March 1, 1994. The Board did not issue the license for the full year because of safety concerns raised by you. Please prepare a report for me, indicating what progress is being made to resolve this issue.



TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

DATE: February 25, 1994

TO: Don P. Johnson, Town Manager
FROM: Garry Rhodes, Building Commissioner *GR*
SUBJECT: Class I License Renewal
R. Santilli Auto Group, Inc.
d/b/a Village Saab, 30 Main Street

As per your request, I have prepared this report outlining the current status of this site.

The Site Plan Special Permit was approved in October of 1991. Since that time, most of the new parking lot, to the binder course, has been constructed. The old entrance to the site has been closed, the new entrance, binder course only, is being used. Last fall I was very concerned because both the old and new entrance were being used at the same time creating traffic confusion. This has since been resolved.

The new building that was authorized by the Site Plan Special Permit has not been constructed, nor has the pavement been removed from where the building will be constructed. The result is a parking lot that is in violation of section 6 of the Zoning Bylaw as well as variances granted by the Board of Appeals and the permit granted by the Board of Selectmen.

The landscaping that is a requirement of the Zoning Bylaw and the Site Plan Special Permit has not been installed. I have received complaints from an abutter because of this. The new sidewalk has not been completed.

These problems have been ongoing since the special permit was issued. The owner appears unable or unwilling to complete the approved site plan. I have recently meet with Mr. Palli and Mr. Kadison to try resolve these ongoing violations. They have indicated to me that they are proposing to revise the site plan to a more realistic project. They said that the new site plan will be ready in the near future.

The violations that I have outlined are accentuated because of the amount of vehicles that are stored on site in connection with their Class I License. They are using areas of the site that are not completed nor intended to be used for parking (where the building is supposed to be located). I would propose that the Class I License be limited until such time as the site is completed or a new plan approved and completed. To determine how many vehicles can be legally parked they should prepare a plan that shows compliance with zoning.

cc: Mr. Kadison

3-1-94 - (5)

INTER-DEPARTMENTAL COMMUNICATION

February 25, 1994

TO: Board of Selectmen

FROM: Board of Health

SUBJECT: Public Health Programs

The Nursing Service Study Group, charged by the Board of Selectmen to study nursing service needs for Acton, recommended in its final report that up to 15% of the surplus balance of the nursing enterprise fund be used to pay for public health services improve the health of the citizens of Acton. The Board of Selectmen expressed two concerns prior to their granting approval for these expenditures:

- 1) Does the Town have the budget authority to spend this money in FY '94?
- 2) How do these proposed public health programs fit into Acton's Master Plan, and what sources were used to identify the public health needs?

This memo is the board of Health's attempt to respond to the Selectmen's concerns. It is hoped that when the board of Health meets with the Selectmen on March 1, the Selectmen will approve these public health programs.

In its presentation to the Selectmen on March 1, the Board of Health intends to stress to the public that these programs are at no cost to the taxpayers, and that in a time of decreasing revenues and diminished expectations from Town Government, these potentially life savings services are being made available to the citizens of Acton through the diligence and resourcefulness of the Town employees and their elected officials.

Response to issue 1:

In FY '93 the Board of Selectmen voted to appropriate \$50,000 for "other expenses" for the nursing services. This line item was inserted by the Selectmen to pay for a consultant report if needed, or perhaps for public health services if the consultant report was not needed. The Town clearly has the budget authority to spend the requested funds for public health programs.

Response to issue 2:

The Board of Health in its response to the Master Plan Matrix,

dated Dec. 1, 1992, stated that a long range planning guide was being developed. This guide would assist the Board in implementing its goal of increased home visits and public health programs in cost effective ways. One element of this planning guide is the identification of public health needs for the community. As a basis for identification of those needs the Health Director and Nursing Administrator utilized "The Health People 2000 Review" and "The Chronic Disease & Epidemiology", as well as assessing sister agencies like Nashoba Nursing Service & Sudbury Visiting Nurses. The programs and rationales for them were identified as follows:

Mobile Mammography

Breast cancer is the most common type of cancer in women in the United States, accounting for 183,000 new cases and 46,300 deaths in 1993. The incidence is higher in Whites than in Black women. People of higher socioeconomic status are at higher risk of developing breast cancer. Most of the risk factors for breast cancer are not amenable to modification. The preferred public health approach to the problem is early detection.

Several large studies have demonstrated that mammography accompanied by clinical breast examination by a physician or nurse is an effective method for the early detection of breast cancer.

Insurance company reimbursement for mammography is not always adequate. Inconvenience and inaccessibility are also barriers to compliance with recommendations for frequency. This program will contract with a mobile mammography service to set up a convenient location in Acton. The event will be highly publicized, and the ease and convenience will be stressed. The goal is to maximize the availability and convenience. Scheduling will be on a first come basis. If the patient has insurance, there will be no charge to the Town. If no outside payer is available, the Town will cover the cost, up to the limit of funds available. Appointments for no cost mammograms will stop being accepted when the limit of Funds is reached.

The \$4480 annual cost for mobile mammography represents the cost of providing 2 eight-hour days of free mammograms. Thirty-two women could be seen each day at a cost to the town of \$70 per mammogram.

Another option would be for the mammography van to park on site in Acton. Mammograms would be paid for by the patients' health insurance. The town could pay the charge for women without insurance.

Cholesterol Screening and Education

Coronary Heart Disease (CHD) is the leading cause of death in the United States today. Among the modifiable risk factors the major ones are high blood pressure, elevated blood cholesterol, cigarette smoking and physical inactivity. Primary prevention for CHD involves controlling the major risk factors. According to a recent American Public Health Association publication suggests that the multifaceted nature of CHD requires a multifaceted approach.

The Cholesterol Screening and Education program provides not only cholesterol screening but also blood pressure monitoring and diet education and counseling. The screenings are also a forum for education about CHD.

Tobacco Abstinence and Aerobics Classes

These programs deal with two of the modifiable risk factors of CHD. Tobacco abstinence programs would be free for those wishing to participate.

Aerobics classes would require a co-payment from participants. The rationale for offering this program is to provide a convenient time and place at low cost thereby facilitating participation in regular physical activity.

Diabetes Lecture Series

The prevalence of diabetes is estimated to be about 160 per 100,000 in school age children. Among adults the estimated prevalence of diagnosed diabetes is 3,400 per 100,000.

Diabetes has been ranked among the top 10 leading causes of death in the United States since 1932. However, on the death certificates of people with diabetes the disease is listed as the cause of death in only about half the cases. People with diabetes tend to die from the complications of the disease rather than the disease itself.

Diabetes can lead to a variety of disabling and life threatening complications including heart disease, blindness, renal failure, and peripheral vascular problems.

No modifiable risk factors have been clearly recognized for insulin-dependent diabetes mellitus. Obesity, advancing age and inactivity are associated with non-insulin dependent diabetes.

The Diabetes Lecture Series will provide education in proper management and the prevention of complications. The target audience will be people with diabetes and their families.

Domestic Violence Program and Teen Suicide Program

The Public Health Service lists violent and abusive behavior as Priority #7 among its year 2000 priority areas. Suicide and homicide account for 50,000 deaths in the United States each year.

Parenting Program and Lead Testing and Education and Well-Child Clinic

These programs will be offered as part of a focus on wellness in school age and pre-school children. Parenting skills can be learned.

Health Insurance Education

Insurance companies are becoming increasingly restrictive in their benefits packages. These changes are not always obvious to consumers until a time of crisis. This program is intended to inform people about common restrictions and to enable people to analyze the implications of the benefits that have been purchased.

WELL SENIOR PROGRAMS

Several programs will be offered by the Nursing Service to supplement current offerings of the Council on Aging.

Podiatry Clinics at the Senior Center

Foot problems are common among senior citizens. Medicare payment for podiatry is limited to care for actual foot and circulatory diseases. Many seniors need evaluation of feet problems but are unable to pay for foot care. Having the service readily available and free will increase attention to this problem.

Arthritis Program

Arthritis is a common condition among Seniors and may become disabling. This program will focus on educating people about arthritis and ways of living with the disease and its treatments.

Hearing Tests for Seniors

This program will provide free screening for hearing problems

among seniors as well as assistance with hearing aids.

Well Senior Clinics

These clinics would be staffed by a Nurse Practitioner and held monthly for three hours. Seniors would be seen for general health issues and referred to physicians for serious and questionable problems.

Home Foot Care Program

This program will provide toe nail cutting and basic foot care education to home bound seniors.

Dermatology Program

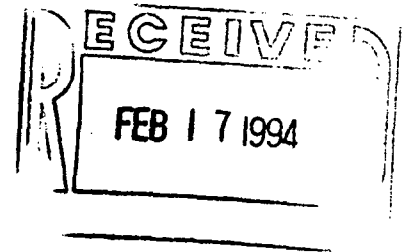
It is estimated that 700,000 cases of skin cancer occur each year. Exposure to the sun is a contributing risk factor. Public health measures are geared toward education and early detection of problems. This program will provide both education and screening.

Sources

National Center for Health Statistics, Health People 2000 review, 1992. Hyattsville, Maryland: Public Health Service, 1993

American Public Health Association, Chronic Disease Epidemiology and Control, R.C. Brownson, P.L. Remington, J.R. Davis, Washington, DC: APHA, 1993.

3-1-94 - (6)



BOY SCOUTS OF AMERICA
Troop #32
31 Nagog Hill Road
Acton, Massachusetts 01720
February 13, 1994

Board of Selectmen
Town of Acton
Town Hall
Acton, Massachusetts 01720

Dear Sir/Madam:

It is with great pleasure that I invite a you to a Court of Honor being given for Christopher Santillo on Sunday evening, April 10, 1994 at 7:00 PM at St. Elizabeth of Hungary Church, 89 Arlington Street, Acton, Massachusetts. Chris will be receiving the highest honor Boy Scouting can give, the rank of Eagle Scout.

Chris has been involved in Scouting for ten years. He is a senior at Acton-Boxborough Regional High School and plans to attend college next year. He has shown many of the skills he will need in the future while doing his Eagle project. Planning, leadership and hard work went into his purchase of audio-visual equipment for the new Smith Cloonan Senior Citizen Center. All citizens of Acton can be proud of Chris and the work he and the other Scouts did.

We hope you can join us in this tribute to Chris. Please R.S.V.P. to:
Mary C. Hess
31 Nagog Hill Road
Acton, Massachusetts 01720

Yours truly,

Mary C. Hess

Mary C. Hess
Coordinator, Eagle Scout Advancement

3/1/94 - (7)

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Feb. 25, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: FY95 Budget and Bonding

Staff has revised the elements of the Base B-Budget and the Priority List to reflect the decisions we believe the Board made last Tuesday. I have attached this version of the budget ("Selectmen 2/22") for your review.

Additionally, I promised to prepare a staff report on possible bonding for your consideration. We have reviewed this question with our financial advisors at the State Street Bank and find the picture to be very promising.

I have attached a report and recommendation from the Finance Department in this regard. We have also taken the liberty of revising a Budget Spreadsheet to reflect the most aggressive bonding scenario you might wish to consider. (Nomenclature under "Legal Action" is bb = Base Budget, W = suitable as a Warrant Article and WB = suitable as a Warrant Article and Bondable.) This revised sheet places all non-bondable items above the funding cutoff line. All items below the cutoff line are Bondable. All of these items could be handled, without Overrides, by borrowing and properly structuring the payment schedule to begin in FY96.

For a number of reasons the time seems to be right for borrowing. Staff is anxious to discuss this scenario with you.

cc: Roy Wetherby

A handwritten signature in cursive script, appearing to read "Dan", is positioned to the right of the "cc:" line.

Town of Acton
Proposed 1995 Budget

DEPARTMENT	FY94 SALARY	FY95 SALARY REQUEST	% CHANGE SALARY	FY94 EXPENSES	FY95 EXPENSES REQUEST	% CHANGE EXPENSES	ANNUAL COSTS
ACCOUNTANT	\$187,030	\$188,869	0.98%	\$2,264	\$6,400	182.69%	\$195,269
ASSESSOR	\$96,688	\$95,219	-1.52%	\$3,190	\$53,905	1589.81%	\$149,124
BUILDING	\$120,684	\$127,186	5.39%	\$2,700	\$2,700	0.00%	\$129,886
CEMETERIES	\$129,796	\$134,197	3.39%	\$4,425	\$4,999	12.97%	\$139,196
CIVIL DEFENSE				\$4,217	\$4,300	1.97%	\$4,300
COA	\$45,871	\$48,934	6.68%	\$5,765	\$7,365	27.75%	\$56,299
COLLECTOR	\$118,338	\$120,521	1.84%	\$32,078	\$49,100	53.06%	\$169,621
CONSERVATION	\$35,100	\$37,834	7.79%	\$3,750	\$3,000	-20.00%	\$40,834
DEBT				\$978,000	\$653,838	-33.15%	\$653,838
COMMISSION ON DISABILITY				\$1,500	\$1,500	0.00%	\$1,500
DOG OFFICER		\$4,486		\$10,511	\$525	-95.01%	\$5,011
ELECTIONS	\$4,650	\$14,900	220.43%	\$7,585	\$8,635	13.84%	\$23,535
ENGINEERING	\$115,349	\$117,534	1.89%	\$8,931	\$28,931	223.94%	\$146,465
FINANCE	\$87,306	\$89,926	3.00%	\$135,139	\$146,138	8.14%	\$236,064
FIRE	\$1,717,704	\$1,772,680	3.20%	\$56,275	\$65,900	17.10%	\$1,838,580
GAS & DIESEL				\$92,480	\$94,000	1.64%	\$94,000
HEALTH	\$100,424	\$86,755	-13.61%	\$17,640	\$17,490	-0.85%	\$104,245
HIGHWAY	\$458,625	\$462,781	0.91%	\$283,280	\$355,998	25.67%	\$818,779
HISTORICAL COMM.				\$545	\$545	0.00%	\$545
INSURANCE, EMP.				\$1,396,134	\$1,497,344	7.25%	\$1,497,344
INSURANCE, OTHER				\$230,000	\$232,000	0.87%	\$232,000
LEGAL				\$200,000	\$220,000	10.00%	\$220,000
MANAGER	\$206,420	\$214,216	3.78%	\$59,250	\$61,750	4.22%	\$275,966
LIBRARY, MEMORIAL	\$275,612	\$287,448	4.29%	\$67,410	\$93,111	38.13%	\$380,559
MODERATOR	\$200	\$200	0.00%	\$20	\$20	0.00%	\$220
MUNICIPAL PROPERTIES	\$231,203	\$247,265	6.95%	\$51,867	\$92,225	77.81%	\$339,490
PENSION				\$980,650	\$1,001,046	2.08%	\$1,001,046
PLANNING	\$69,146	\$69,607	0.67%	\$8,096	\$11,525	42.35%	\$81,132
POLICE	\$1,467,142	\$1,539,701	4.95%	\$72,059	\$103,959	44.27%	\$1,643,660
PUBLIC CEREMONIES				\$2,520	\$2,520	0.00%	\$2,520
RESERVE FUND				\$33,000	\$33,000	0.00%	\$33,000
SENIOR CENTER (COA)	\$23,057	\$24,325	5.50%	\$3,976	\$10,500	164.08%	\$34,825
SNOW REMOVAL (HIGHWAY)	\$42,000	\$43,270	3.02%	\$124,000	\$128,100	3.31%	\$171,370
TOWN CLERK	\$87,635	\$83,013	-5.27%	\$3,195	\$1,335	-58.22%	\$84,348
UTILITIES				\$250,000	\$267,802	7.12%	\$267,802
VETERAN'S SERVICES	\$2,000	\$2,060	3.00%	\$12,443	\$10,400	-16.42%	\$12,460
LIBRARY, WEST ACTON		\$18,131			\$3,732		\$21,863
ZONING BD. OF APPEALS				\$1,000	\$1,000	0.00%	\$1,000
SUBTOTAL PAGE 1	\$5,621,980	\$5,831,058	3.72%	\$5,145,895	\$5,276,638	2.54%	\$11,107,696

DEPARTMENT	PROGRAM/CAPITAL REQUESTS	NEW SALARIES, PROGRAM, & CAPITAL REQUESTS	PRIORITY NUMBER	PRIORITY CLASS	ANNUAL COSTS	CUMULATIVE COSTS TOTAL	Legal Action
SUBTOTAL PAGE 1					\$11,107,696		
Tax Impact							
ENGINEERING	Sidewalks (In Base Budget)	\$15,000	15	A	\$0	\$11,107,696	BB
ACCOUNTANT	Computer Upgrade (In Base Budget)	\$80,000	5	A	\$0	\$11,107,696	BB
POLICE	Computer Upgrade (In Base Budget)	\$30,000	7	A	\$0	\$11,107,696	BB
MUNICIPAL PROPERTIES	Skylight Snow Guards (In Base Budget)	\$10,725	9	A	\$0	\$11,107,696	BB
ENGINEERING	Bridge, Concord Rd. (In Base Budget)	\$40,000	11	A	\$0	\$11,107,696	BB
ENGINEERING	Bridge, Wetherbee St (In Base Budget)	\$20,000	12	A	\$0	\$11,107,696	BB
MUNICIPAL PROPERTIES	Mortar Repair, Mem. Lib. (In Base Budget)	\$20,000	13	A	\$0	\$11,107,696	BB
LOCAL SCHOOL	Blanchard Aud.	\$50,000			\$25,000	\$11,132,696	WB
POLICE	Communication Center, E-911	\$60,000	10	A	\$15,000	\$11,147,696	WB
HIGHWAY	Eng. Van Replacement	\$18,000	14	A	\$18,000	\$11,165,696	W
FIRE	Command Vehicle 4wd Addition	\$15,000	16	A	\$15,000	\$11,180,696	W
MUNICIPAL PROPERTIES	2 1/2 ton Dump Truck Replacement	\$35,000	17	A	\$35,000	\$11,215,696	WB
LIBRARY, MEMORIAL	Replace 1 FTE cut from 94	\$30,339	18	A	\$30,339	\$11,246,035	W
PLANNING	Restoration of labor	\$24,000	19	A	\$24,000	\$11,270,035	W
PLANNING	Impact Fee Bylaw	\$10,000	20	A	\$10,000	\$11,280,035	W
ENGINEERING	Summer labor	\$3,950	21	A	\$3,950	\$11,283,985	W
POLICE	Mobile Data Terminals, 2 ea	\$8,000	22	A	\$8,000	\$11,291,985	WB
FIRE	Exhaust System, West Acton Station	\$3,300	23	A	\$3,300	\$11,295,285	WB
HIGHWAY	Loader Replacement	\$95,000	24	B	\$95,000	\$11,390,285	WB
FIRE	Alarm Panel Upgrade	\$15,000	25	B	\$15,000	\$11,405,285	WB
MUNICIPAL PROPERTIES	HVAC Controls, Mem. Lib.	\$10,000	26	B	\$10,000	\$11,415,285	WB
HIGHWAY	Sign Truck Replacement	\$18,000	27	B	\$18,000	\$11,433,285	WB
ENGINEERING	Traffic Signal @ High & 62	\$48,000	28	B	\$48,000	\$11,481,285	WB
POLICE	Mobile Data Terminals, 2 ea	\$8,000	29	B	\$8,000	\$11,489,285	WB
LIBRARY, MEMORIAL	Replace Friday Hours	\$27,000	30	B	\$27,000	\$11,516,285	W
FIRE	Exhaust System, South Acton Station	\$3,300	31	B	\$3,300	\$11,519,585	WB

DEPARTMENT	PROGRAM/CAPITAL REQUESTS	NEW SALARIES, PROGRAM, & CAPITAL REQUESTS	PRIORITY NUMBER	PRIORITY CLASS	ANNUAL COSTS	CUMULATIVE COSTS TOTAL	Legal Action
MUNICIPAL PROPERTIES	Garage Roof Replacement, Police Station	\$10,000	33	B	\$10,000	\$11,529,585	WB
PLANNING	Kelly's Corner Plan	\$10,000	34	B	\$10,000	\$11,539,585	WB
LIBRARY, MEMORIAL	Expansion Study	\$15,000	35	B	\$15,000	\$11,554,585	WB
HIGHWAY	Paving Program	\$331,800	36	C	\$331,800	\$11,886,385	WB
POLICE	Mobile Data Terminals, 4 ea	\$16,000	37	C	\$16,000	\$11,902,385	WB
FIRE	Exhaust System, Acton Center Station	\$3,400	38	C	\$3,400	\$11,905,785	WB
HIGHWAY	1 Ton Dump Truck Replacement	\$25,000	39	C	\$25,000	\$11,930,785	WB
ENGINEERING	Hydrology Software	\$3,500	40	C	\$3,500	\$11,934,285	W
LIBRARY, MEMORIAL	Circulation Desk	\$9,000	41	C	\$9,000	\$11,943,285	W
MUNICIPAL PROPERTIES	Ice House Pond Excavation	\$30,000	51	C	\$30,000	\$11,973,285	WB
FIRE	Ladder Truck Replacement	\$450,000	4	A	\$0	\$11,973,285	WB
CEMETERIES	New Section, Phase 2	\$10,000		SF	\$10,000	\$11,983,285	
HEALTH	Kelly's Corner Sewers	\$2,250,000		SF	\$2,250,000	\$14,233,285	30
HEALTH	South Acton Sewers	\$2,250,000		SF	\$2,250,000	\$16,483,285	30
HEALTH	Maynard Connection	\$2,000,000		SF	\$2,000,000	\$18,483,285	30
HEALTH	Maynard Interceptor (Main Feed Pipe)	\$1,500,000		SF	\$1,500,000	\$19,983,285	30
NURSING ENTERPRISE	Vehicle Replacement	\$12,500		SF	\$12,500	\$19,995,785	5
NESWC ENTERPRISE	10 Wheel Tractor Cab Replacement	\$55,000		SF	\$55,000	\$20,050,785	7
NESWC ENTERPRISE	FY94 Stabilization Deficit	\$750,000		SF	\$750,000	\$20,800,785	
SEPTAGE ENTERPRISE	Computer	\$15,000		SF	\$15,000	\$20,815,785	10
SEPTAGE ENTERPRISE	Inspection Vehicles Replacement, 2ea	\$25,000		SF	\$25,000	\$20,840,785	5
SEPTAGE ENTERPRISE	Micro-fiche Reader	\$10,000		SF	\$10,000	\$20,850,785	3
GRAND TOTAL							

TOWN OF ACTON

INTERDEPARTMENTAL COMMUNICATION

FINANCE DEPARTMENT

TO: Board of Selectmen February 25, 1994

FROM: Finance Department

SUBJECT: Staff Budget Recommendation - Bond Issuance

The Town of Acton is in an exceptional position to take advantage of currently favorable market conditions for municipal bond issues. General market conditions and the Town's current financial position provide a ripe opportunity for issuing bonds.

General Market Conditions

Historically low interest rates and high market demand make municipal issuance particularly attractive at this time. Interest rates are at a 20 year low, while recent Federal income tax law changes, which effectively increase the maximum tax rate from 31% to 39.6%, should heighten the demand for tax exempt issues by high-income tax payers. For those tax filers not already aware of the increased tax burden, the impact of the 1993 Tax Act will become apparent on April 15, 1994, particularly for those who have not appropriately adjusted withholdings or estimated tax payments to compensate for the retroactive effects of the new tax law. Furthermore, increased Federal income tax rates have an inverse effect on tax-exempt interest rates (i.e. to obtain equal after-tax returns for taxable bond issues and tax-exempt bond issues of the same grade, the interest rate for tax-exempt issues will be lower). These conditions should ensure a favorable market for high-quality municipal bond issues in the near future.

The Town's Financial Position

The Town's debt position is historically low, from a high of \$6,775,000 principal debt outstanding in 1987 to \$850,000 outstanding in fiscal year 1995. And debt service payments comprise only 2.1% of the projected combined operating and debt service expense for 1995. Standard and Poor begins to question a community's ability to repay debt when debt service payments reach 15%-20% of combined operating and debt service fund expenditures. The following summary depicts the Town's changes in bond principal for select years:

	<u>Debt Principal (000)</u>				
	<u>1987</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>
Proposition 2 1/2					
Excludable	\$4,580	1,184	750	347	83
Not Excluded	<u>2,195</u>	<u>166</u>	<u>100</u>	<u>33</u>	<u>17</u>
	<u>\$6,775</u>	<u>1,350</u>	<u>850</u>	<u>380</u>	<u>100</u>

The Town of Acton has not had a bond issue since 1987 and all debt service will be fully paid in 1998. Generally, level debt maintenance and more frequent issuance for a Town such as Acton, with a low debt profile, is considered favorable by rating agencies. This not only keeps the Town in view by the market, but tends to enhance its issuance capabilities and credit rating. The history of past debt referendums is one indicator of a community's willingness to pay for needed capital improvements and consistent adherence to planning goals, financial strategies and debt management are major factors in determining a community's credit worthiness.

Additionally, a low debt profile may be viewed negatively because it indicates underinvestment in capital facilities. Investment in public

infrastructure is believed to enhance the growth prospects of the private sector. Neglecting critical capital needs may impede economic growth and endanger future tax revenue generation. Although some capital projects are discretionary and can be deferred in difficult economic periods, the failure to maintain existing facilities can create a backlog of projects. Eventually when the backlogged projects are funded, the cost may prove burdensome to future taxpayers.

Finally, continued decreases in debt service create a difficult situation for future borrowings. Funds which were formerly used to fund non-excluded debt service but are no longer needed for this purpose are then used to fund ongoing operating expenses. It subsequently becomes hard to service future debt issues under the proposition 2 1/2 limit without forcing a reduction elsewhere in the Town's operating budget.

Conclusion

Acton is poised to take advantage of the current market. The Town's low debt profile coupled with its capital and infrastructure needs (the ladder truck, postponed road and bridge repair, equipment replacement, etc.) makes bond issuance a significant consideration for fiscal year 1995. The size of the issue along with thoughts as to where the market and the economy are headed appears to make this a prime time to issue debt.

The larger the size of the issue, the more cost-effective it becomes. There is a large fixed-cost involved in issuing bonds, which makes it prohibitively expensive to issue small amounts of these securities.

As the economy continues to grow, inflationary pressures will tend to increase and push interest rates up. Federal Reserve Chairman Alan Greenspan's testimony to Congress on Tuesday, February 22, 1994 was seen as renewing uncertainty about the timing of another increase in short-term interest rates, with long-term rates sure to follow. Additionally, a growing economy will enable the Town to service its debt by stabilizing continued new growth within the Town.

It appears that the trough has been reach. Both the economy and interest rates seem to be on the rise. It would be advantageous for the Town to take the current opportunity and go into the bond market now to finance its postponed, current and future capital endeavors.

n of Acton
 Proposed 1995 Budget

DEPARTMENT	FY94 SALARY	FY95 SALARY REQUEST	% CHANGE SALARY	FY94 EXPENSES	FY95 EXPENSES REQUEST	% CHANGE EXPENSES	ANNUAL COSTS	CUMULATIVE COSTS TOTAL
ACCOUNTANT	\$187,030	\$188,869	0.98%	\$2,264	\$6,400	182.69%	\$195,269	\$195,269
ASSESSOR	\$96,688	\$95,219	-1.52%	\$3,190	\$53,905	1589.81%	\$149,124	\$344,393
BUILDING	\$120,684	\$127,186	5.39%	\$2,700	\$2,700	0.00%	\$129,886	\$474,279
CEMETERIES	\$129,796	\$134,197	3.39%	\$4,425	\$4,999	12.97%	\$139,196	\$613,475
CIVIL DEFENSE				\$4,217	\$4,300	1.97%	\$4,300	\$617,775
COA	\$45,871	\$48,934	6.68%	\$5,765	\$7,365	27.75%	\$56,299	\$674,074
COLLECTOR	\$118,338	\$120,521	1.84%	\$32,078	\$49,100	53.06%	\$169,621	\$843,695
CONSERVATION	\$35,100	\$37,834	7.79%	\$3,750	\$3,000	-20.00%	\$40,834	\$884,529
DEBT				\$978,000	\$653,838	-33.15%	\$653,838	\$1,538,367
COMMISSION ON DISABILITY				\$1,500	\$1,500	0.00%	\$1,500	\$1,539,867
DOG OFFICER		\$4,486		\$10,511	\$525	-95.01%	\$5,011	\$1,544,878
ELECTIONS	\$4,650	\$14,900	220.43%	\$7,585	\$8,635	13.84%	\$23,535	\$1,568,413
ENGINEERING	\$115,349	\$117,534	1.89%	\$8,931	\$8,931	0.00%	\$126,465	\$1,694,878
FINANCE	\$87,306	\$89,926	3.00%	\$135,139	\$146,138	8.14%	\$236,064	\$1,930,942
FIRE	\$1,717,704	\$1,772,680	3.20%	\$56,275	\$65,900	17.10%	\$1,838,580	\$3,769,522
GAS & DIESEL				\$92,480	\$94,000	1.64%	\$94,000	\$3,863,522
HEALTH	\$100,424	\$86,755	-13.61%	\$17,640	\$17,490	-0.85%	\$104,245	\$3,967,767
HIGHWAY	\$458,625	\$462,781	0.91%	\$283,280	\$315,998	11.55%	\$778,779	\$4,746,546
HISTORICAL COMM.				\$545	\$545	0.00%	\$545	\$4,747,091
INSURANCE, EMP.				\$1,396,134	\$1,497,344	7.25%	\$1,497,344	\$6,244,435
INSURANCE, OTHER				\$230,000	\$232,000	0.87%	\$232,000	\$6,476,435
LEGAL				\$200,000	\$220,000	10.00%	\$220,000	\$6,696,435
MANAGER	\$206,420	\$214,216	3.78%	\$59,250	\$61,750	4.22%	\$275,966	\$6,972,401
LIBRARY, MEMORIAL	\$275,612	\$287,448	4.29%	\$67,410	\$93,111	38.13%	\$380,559	\$7,352,960
MODERATOR	\$200	\$200	0.00%	\$20	\$20	0.00%	\$220	\$7,353,180
MUNICIPAL PROPERTIES	\$231,203	\$247,265	6.95%	\$51,867	\$72,225	39.25%	\$319,490	\$7,672,670
PENSION				\$980,650	\$1,001,046	2.08%	\$1,001,046	\$8,673,716
PLANNING	\$69,146	\$69,607	0.67%	\$8,096	\$11,525	42.35%	\$81,132	\$8,754,848
POLICE	\$1,467,142	\$1,539,701	4.95%	\$72,059	\$103,959	44.27%	\$1,643,660	\$10,398,508
PUBLIC CEREMONIES				\$2,520	\$2,520	0.00%	\$2,520	\$10,401,028
RESERVE FUND				\$33,000	\$33,000	0.00%	\$33,000	\$10,434,028
SENIOR CENTER (COA)	\$23,057	\$24,325	5.50%	\$3,976	\$10,500	164.08%	\$34,825	\$10,468,853
SNOW REMOVAL (HIGHWAY)	\$42,000	\$43,270	3.02%	\$124,000	\$128,100	3.31%	\$171,370	\$10,640,223
TOWN CLERK	\$87,635	\$83,013	-5.27%	\$3,195	\$1,335	-58.22%	\$84,348	\$10,724,571
UTILITIES				\$250,000	\$267,802	7.12%	\$267,802	\$10,992,373
VETERAN'S SERVICES	\$2,000	\$2,060	3.00%	\$12,443	\$10,400	-16.42%	\$12,460	\$11,004,833
LIBRARY, WEST ACTON		\$18,131			\$3,732		\$21,863	\$11,026,696
ZONING BD. OF APPEALS				\$1,000	\$1,000	0.00%	\$1,000	\$11,027,696
SUBTOTAL PAGE 1	\$5,621,980	\$5,831,058	3.72%	\$5,145,895	\$5,196,638	0.99%	\$11,027,696	

DEPARTMENT	PROGRAM/CAPITAL REQUESTS		PRIORITY NUMBER	PRIORITY CLASS	ANNUAL COSTS	CUMULATIVE COSTS TOTAL	Legal Action
ACCOUNTANT	Computer Upgrade (In Base Budget)		5	A	\$0	\$11,027,696	bb
POLICE	Computer Upgrade (In Base Budget)		7	A	\$0	\$11,027,696	bb
MUNICIPAL PROPERTIES	Skylight Snow Guards (In Base Budget)	d	9	A	\$0	\$11,027,696	bb
ENGINEERING	Sidewalks (In Base Budget)	c	15	A	\$0	\$11,027,696	bb
FIRE	Command Vehicle 4wd Addition	d	16	A	\$15,000	\$11,042,696	W
LIBRARY, MEMORIAL	Replace 1 FTE cut from 94	l	18	A	\$30,339	\$11,073,035	W
PLANNING	Restoration of labor	l	19	A	\$24,000	\$11,097,035	W
PLANNING	Impact Fee Bylaw	e	20	A	\$10,000	\$11,107,035	W
ENGINEERING	Summer labor	l	21	A	\$3,950	\$11,110,985	W
LIBRARY, MEMORIAL	Replace Friday Hours	l	30	B	\$27,000	\$11,137,985	W
ENGINEERING	Hydrology Software	e	40	C	\$3,500	\$11,141,485	W
LIBRARY, MEMORIAL	Circulation Desk	c	41	C	\$9,000	\$11,150,485	W
MANAGER	Stablization Fund				\$0	\$11,150,485	W
LOCAL SCHOOL	Blanchard Aud.	c			\$25,000	\$11,175,485	WB
FIRE	Ladder Truck Replacement (#2)	d	4	A	\$450,000	\$11,625,485	WB
POLICE	Communication Center, E-911	d	10	A	\$15,000	\$11,640,485	WB
ENGINEERING	Bridge, Concord Rd.	c	11	A	\$40,000	\$11,680,485	WB
ENGINEERING	Bridge, Wetherbee St.	e	12	A	\$20,000	\$11,700,485	WB
MUNICIPAL PROPERTIES	Mortar Repair, Mem. Lib.	c	13	A	\$20,000	\$11,720,485	WB
HIGHWAY	Eng. Van Replacement	d	14	A	\$18,000	\$11,738,485	WB
MUNICIPAL PROPERTIES	2 1/2 ton Dump Truck Replacement	d	17	A	\$35,000	\$11,773,485	WB
POLICE	Mobile Data Terminals, 2 ea	d	22	A	\$8,000	\$11,781,485	WB
FIRE	Exhaust System, West Acton Station	c	23	A	\$3,300	\$11,784,785	WB
HIGHWAY	Loader Replacement	d	24	B	\$95,000	\$11,879,785	WB
FIRE	Alarm Panel Upgrade	d	25	B	\$15,000	\$11,894,785	WB
MUNICIPAL PROPERTIES	HVAC Controls, Mem. Lib.	d	26	B	\$10,000	\$11,904,785	WB
HIGHWAY	Sign Truck Replacement	d	27	B	\$18,000	\$11,922,785	WB
ENGINEERING	Traffic Signal @ High & 62	c	28	B	\$48,000	\$11,970,785	WB
POLICE	Mobile Data Terminals, 2 ea	d	29	B	\$8,000	\$11,978,785	WB
FIRE	Exhaust System, South Acton Station	c	31	B	\$3,300	\$11,982,085	WB
MUNICIPAL PROPERTIES	Garage Roof Replacement, Police Station	c	33	B	\$10,000	\$11,992,085	WB
PLANNING	Kelly's Corner Plan	e	34	B	\$10,000	\$12,002,085	WB

DEPARTMENT	PROGRAM/CAPITAL REQUESTS		PRIORITY NUMBER	PRIORITY CLASS	ANNUAL COSTS	CUMULATIVE COSTS TOTAL	Legal Acton
LIBRARY, MEMORIAL	Expansion Study	e	35	B	\$15,000	\$12,017,085	WB
HIGHWAY	Paving Program	c	36	C	\$331,800	\$12,348,885	WB
POLICE	Mobile Data Terminals, 4 ea	d	37	C	\$16,000	\$12,364,885	WB
FIRE	Exhaust System, Acton Center Station	c	38	C	\$3,400	\$12,368,285	WB
HIGHWAY	1 Ton Dump Truck Replacement	d	39	C	\$25,000	\$12,393,285	WB
MUNICIPAL PROPERTIES	Ice House Pond Excavation	c	51	C	\$30,000	\$12,423,285	WB
CEMETERIES	New Section, Phase 2	c		SF	\$10,000	\$12,433,285	
HEALTH	Kelly's Corner Sewers	c		SF	\$2,250,000	\$14,683,285	30
HEALTH	South Acton Sewers	c		SF	\$2,250,000	\$16,933,285	30
HEALTH	Maynard Connection	c		SF	\$2,000,000	\$18,933,285	30
HEALTH	Maynard Interceptor (Main Feed Pipe)	c		SF	\$1,500,000	\$20,433,285	30
NURSING ENTERPRISE	Vehicle Replacement	d		SF	\$12,500	\$20,445,785	5
NESWC ENTERPRISE	10 Wheel Tractor Cab Replacement	d		SF	\$55,000	\$20,500,785	7
NESWC ENTERPRISE	FY94 Stabilization Deficit			SF	\$750,000	\$21,250,785	
SEPTAGE ENTERPRISE	Computer	d		SF	\$15,000	\$21,265,785	10
SEPTAGE ENTERPRISE	Inspection Vehicles Replacement, 2ea	d		SF	\$25,000	\$21,290,785	5
SEPTAGE ENTERPRISE	Micro-fiche Reader	d		SF	\$10,000	\$21,300,785	3
GRAND TOTAL					\$21,300,785		

3-1-94 - (7)

Town of Acton

Planning Department

472 Main Street Acton, Massachusetts 01720

(508) 264-9636

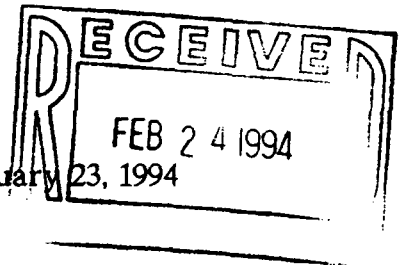
INTERDEPARTMENTAL COMMUNICATION

TO: Don P. Johnson, Town Manager

DATE: February 23, 1994

FROM: Roland Bartl, AICP, Town Planner *R.B.*

SUBJECT: Planning Board Recommendations on Zoning Articles



The next Planning Board meeting will be on Monday, February 28, 1994. I hope that at that meeting the Planning Board will close the public hearings on the proposed zoning articles and vote on a recommendation for Town Meeting, including any recommendation concerning the citizen petition article. I will then report those recommendation to you before Tuesday evening.

[RHB.IDC.94*9]

3-1-94 - (7)

FLANAGAN & HUNTER, P.C.
ATTORNEYS AT LAW
AND
PROCTORS IN ADMIRALTY
211 CONGRESS STREET
BOSTON, MASSACHUSETTS 02110-2434

TELEPHONE: (617) 482-3366

FAX: (617) 482-3467

FAX COVER SHEET

DELIVER TO: DON JOHNSON

AT: Acton Town Hall

FAX NUMBER: 508-264-9630

FROM: F. DORÉ HUNTER

Number of Pages, Including this Cover Sheet: 5

COMMENTS: FOR SELECTMAN'S PACKET AND ANY COMMENT YOU MIGHT HAVE.

DATE: February 25, 1994

FILE NO. None

Attention - Important Notice: This FAX is intended only for the individual or entity to which it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient of this FAX please take note that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error please notify us immediately by telephone and return the documents by mail.

Draft Introduction for Warrant

The format of this Warrant is different, and there are more Warrant Articles this year. This is largely due to the municipal financing changes forced upon us by our Representatives' and Senators' enactment of the Education Reform Act of 1993.

Although the wide ranging Reform Act addressed many educational matters, it also had and has an enormously negative impact on municipal finance. The Great and General Court decided to meet the Commonwealth's responsibility to adequately fund education, by taking discretion out of the hands of Town Meeting members as to how the local property tax revenues will be spent, and itself appropriating a large part of the locally raised money. As a condition for the transfer of some of the citizens' own tax dollars back from the state in the form of aid to education, restoring that aid level to about what it was in fiscal year 1989, the legislature and governor have imposed mandatory school formula spending requirements on municipalities. While undoubtedly benefiting the schools, the effect on the Town is that a progressively smaller share of the tax monies raised by the municipality will be available to provide non-education municipal services like police, fire, highway, library, health, zoning, etc.

More services are delivered to the average citizen by local government than other levels of government. Our Town Meeting form of self government, while some times inefficient, has been an outstanding vehicle for the involvement of a large number of citizens as governmental decision makers, determining for themselves what use would be made of the local portion of their tax dollars. Unfortunately our Representatives and Senators seem to distrust such grass roots democracy, they have taken a large part of local decision making discretion away from Town Meeting in the process of making the most radical change in municipal finance since the enactment of Proposition 2½ in 1981.

During the prosperity of the 1980s state aid to towns was markedly increased, and that combined with the tax limitations of Proposition 2½, helped to shift some of the overall tax burden away from the local property tax levy. At the same time school enrollments were declining, so the municipal services to which the taxpayers were accustomed were maintainable. In 1989 the "Massachusetts Miracle" collapsed, and state financing fell into chaos. During the next few years the legislature put the state financial house in order, in large part by drastically cutting back on local aid. During that period in Acton we continued to increase the overall monies spent on education, actually a state responsibility, and other municipal services, in part through overrides of Proposition 2½ - by raising local taxes. But we were also forced to make cuts and reductions in some services. Those cuts and reductions were distributed relatively equally across the full range of municipal services, they fell on both the schools and

Town sides. During the same period that the legislature was so markedly reducing state aid it increased the size of the state budget by about 30%.

In 1993 Acton voters declined to approve a Proposition 2½ override. In making that decision the Acton voters were aware that the impact would fall relatively equally on both the schools and the Town sides of municipal government. In 1993 our elected representatives in the Great and General Court decided to return the local aid to about the 1989 level, but they also essentially earmarked it all for education. The legislature then intruded into the Town Meeting process to dictate to the Meeting how it must make its financial decisions in appropriating local revenues, if the community is to receive that aid. In Acton's case our representative and senator in effect voted to require us to change the historic division of property tax revenue between schools and Town.

Acton has had some of the best but also some of the most cost-efficient school systems in the state. But the new Education Reform Act requires that school systems spend an ever increasing sum of money, determined by a formula which does not distinguish between the spending practices of efficient managers and those of wasteful organizations. Acton has historically been one of the top communities in the Commonwealth in regard to the proportion of municipal revenues devoted to education, and co-relatively one of the lowest in proportion of revenues available for municipal government, but the application of the Reform Act formula to Acton requires that additional monies be retroactively provided by the Town to its school system during Fiscal Year 1994, the current budget year, over and above what Town Meeting appropriated last year. Therefore Articles Nos. **** and **** propose that \$**** be transferred to the schools immediately from free cash to spend as the school administration might chose. Such monies are entirely separate and distinct from the so-called School Choice monies which flow to the schools without appropriation and are spent entirely at the discretion of the School Committees. Articles Nos. **** and **** represent the retroactive levies dictated by our legislators and the state bureaucracy which the Board of Selectmen discussed at length during the Fall of 1993.

Initially the school administration and state officials had advised the Board of Selectmen that the anticipated retroactive Education Reform Act levy on municipal funds would approximate one million dollars, about one-tenth of the entire municipal budget! Faced with such a threat, the Board of Selectmen immediately ordered a freeze on hiring and miscellaneous expenditures and curtailed that portion of the police and fire protection services which depended on budgeted overtime payments, to accumulate some funds through reduced spending with which to offset the sweeping reductions such an assessment would have entailed. At the same time the Town sought a waiver of the levy. Fortunately, through

accounting clarifications and negotiations, the Town Manager was able to radically reduce the proposed levy on the Town. The largest factor making that reduction possible was that the Town Meeting and Regional School Committee had each previously voted to defer prior year's teachers summer pay at the urging of the Board of Selectmen - controversial decisions at the time which have since paid unexpected but enormous dividends in the form of the retention of municipal services.

Ultimately the question of a waiver of Education Reform Act retroactive levy for fiscal year 1994 was made dependant by the state bureaucracy on the schools administration's willingness to rescind the school student activity fees that had been instituted to avoid implementing some of the cutbacks which would have been necessary to reach their "B" Budgets after last year's lost override votes. The School Committees determined they could not afford to do so, having already spent the monies that had been collected. However, the Regional School District administration has undertaken to utilize an amount from the Region's E & D account (similar to the Town's free cash) to reduce the fiscal year 1995 assessments to Acton and Boxborough by amounts that approximate the sums that the towns are required to retroactively appropriate to the schools in fiscal 1994.

Although the retroactive financial impact of the Education Reform Act on the Town for fiscal 1994 has thus been resolved, the situation for fiscal 1995 and future years is an entirely different matter. The Reform Act formula now determines the size of the schools' "B" Budget, i.e. the schools' non-Proposition 2½ override budgets. However, Proposition 2½ still remains in effect and continues to limit the total property taxes which can be levied by the Town. Absent any overrides of that tax limitation, the Town is left in the position of funding municipal programs out of those funds which are "left over" after the Reform Act guaranteed amounts have been appropriated to the schools. Since the Reform Act requires school spending to increase annually by some incremental sum in excess of 2½% of the prior year's expenditures, incremental tax levy funding for municipal programs will therefore progressively decrease, year by year, unless the situation is altered through the passage of overrides. It is this declining municipal funding aspect of the Reform Act's formula that results in the significantly smaller percentage increase in the Town's "B" Budget, shown in Article Nos.****, as compared with the Acton-Boxborough Regional School District's and the Acton Public School's "B" Budgets which appear in Article Nos.**** and ****. In prior years the percentage increment for all three entities was approximately the same.

Despite the Reform Act guarantee of additional minimum local funding in fiscal 1995, the administration of the Acton Public Schools, because of increasing elementary enrollment, finds it necessary to recommend a general override of Proposition 2½ to the

voters. That override request seeks an increase in the Acton Public Schools' operating funds for fiscal year 1995, and would increase its revenue base for subsequent years.

The Regional School District administration has determined that it can adequately operate that school system within the total funds that Town Meeting is now required by our legislators to appropriate to it for fiscal 1995, and its anticipated state aid, i.e. within its state mandated "B" Budget.

The Reform Act's imposition of a formula driven minimum school property tax entitlement effectively ended the partnership approach that the schools and Town administrations had pursued for a number of years through the Coordinating Committee process. The Town's spending must now be held to whatever is left over after the state mandated school "B" Budget amounts have been subtracted from available revenues. The actual revenues depend on many factors, some of which are not certain until after the Annual Town Meeting, so it is necessary to make projections based on the best information available. At the same time, it must be recognized that the imposition of the Reform Act now means that any actual revenue shortfalls must be entirely offset by subtractions on the Town side.

In addition to the dictates of the Reform Act, which actually pull in the opposite direction, the Selectmen also have this year considered the expressed wish of Town Meeting to be given a larger part in making spending decisions.

Given these factors, this years proposed municipal spending plan is composed of multiple parts and incorporates great flexibility. The largest part, that which encompasses the salaries for the existing Town staff and what the Selectmen consider to be the absolutely necessary expenses, referred to as the "Base B Budget", is contained in Article ****. The Base B Budget is set forth in a "bottom line" format, continuing the policy of the last few years to provide maximum management flexibility during the year to meet unexpected needs. The FY 1995 Base B Budget, as compared to the same items in the FY 1994 budget, represents a proposed increase of only ****%. The next part of the proposed municipal spending plan consists of Articles Nos. **** thru ****. [TO BE COMPLETED WHEN OVERRIDE AND NON-OVERRIDE ARTICLES ARE FULLY ORGANIZED]

It is the intend of the Board of Selectmen, should any of the Warrant Articles which are contingent on Proposition 2½ override votes, either general, capital or debt exclusion questions, be passed at Town Meeting, to then consider then calling a special election. Such a special election, to be held after Town Meeting, would allow the voters to decide whether or not they wish to bear extra taxes in order to receive all, some or none of the services represented by the affirmative Town Meeting votes, if any. It is

currently anticipated that such a special election, if called, would be held on ****, 1994.

The Board of Selectmen encourages all citizens to attend the Preliminary Budget Hearing to be conducted by the Finance Committee in Town Hall on Wednesday, March 23, 1994 at 7:30 p.m. Please remember to vote in the Town Election on Tuesday March 29, 1994 and attend the Annual Town Meeting which will begin at 7:30 p.m. on Monday, April 4, 1994.

March ****, 1994

F. Doré Hunter, Chair
Anne Fanton, Vice-Chair
William Mullin, Clerk
Nancy Tavernier
Norman Lake

ARTICLE 1 - CHOOSE TOWN OFFICERS

To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

Moderator	\$20.00 per Town Meeting session
Board of Selectmen	Chairman \$750.00
	Clerk \$650.00
	Member \$650.00

or take any other action relative thereto.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund, Trustees of the Citizen's Library Association of West Acton, and establishes the salaries of the Town's elected officials.

- (S) Recommended
- (F) No Recommendation

ARTICLE 2 HEAR AND ACCEPT REPORTS
(Majority Vote Required)

To see if the Town will accept reports, and to hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

SUMMARY

This article provides for the acceptance of the Annual Town Report and any other reports which Town Boards and Committees may need to offer as well as acceptance if any, of reports of committees chosen at any previous Town Meeting.

(S) Recommended

(F) No Recommendation

ARTICLE 3* COUNCIL ON AGING VAN ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$, or any other sum, to operate the Senior Van Service in accordance with Mass General Laws, Chapter 44, Section 53F 1/2, Enterprise Fund law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the elder van service enterprise fund. This 40 hour a week elder van service is funded by the Federal Government, State Government and Local Government. Fifty percent of the service is paid by federal funds, twenty-five percent of the service is paid by the Commonwealth, and the final twenty-five percent is absorbed by the Town of Acton. Fare revenues will be used to reduce the total service cost.

Direct inquiries to: Carol Lake, Director, Council on Aging, 263-0169
Selectman Assigned: William Mullin

(S) Recommended
(F) Recommendation Deferred

ARTICLE 4* NURSING ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, the sum of \$, or any other sum, to provide Public Health Nursing Services in accordance with Mass General Laws, Chapter 44, Section 53F 1/2, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the Nursing Services Enterprise Fund. An enterprise fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service.

Direct inquiries to: Doug Halley, Dir. Public Health - 264-9634
Selectman Assigned: William Mullin

(S) Recommended
(F) Recommendation Deferred

ARTICLE 5* SEPTAGE DISPOSAL ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will vote to raise and appropriate or appropriate from available funds, the sum of \$, or any other sum, for the purpose of septage disposal, in accordance with the Massachusetts General Laws, Chapter 44, Section 53F 1/2, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, sewer treatment plant permit fees, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to the Upper Blackstone Water Pollution Abatement Facility and to maintain the Town of Acton septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal.

Direct inquiries to: Doug Halley, Dir. Public Health - 264-9634
Selectman Assigned: Anne Fanton

(S) Recommended
(F) Recommendation Deferred

ARTICLE 6* NESWC ENTERPRISE BUDGET
(2/3 vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, the sum of \$, or any other sum, for the purpose of solid waste disposal, in accordance with Mass General Laws, Chapter 44, Section 53F 1/2, Enterprise Fund Law, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from the transfer station be used for the purpose of maintaining the trash disposal operation. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid waste disposal.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: Norman Lake

(S) Recommended
(F) Recommendation Deferred

ARTICLE 7* MERRIAM SCHOOL ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$73,709, or any other sum, for the purpose of maintaining the Merriam School, in accordance with Mass General Laws, Chapter 44, Section 53F 1/2, Enterprise Fund law, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from the rental of the Merriam School be used for the purpose of maintaining the building. The proposed budget for FY'94 will be entirely offset by rents.

Direct inquiries to: William Ryan, School Dept. - 264-4700

(S) Recommendation Deferred

(F) Recommendation Deferred

ARTICLE 8 **BUDGET TRANSFER**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, an amount of money to be used in conjunction with funds appropriated under current fiscal year's budgets to be used during the current fiscal year, or make any other adjustments to the current fiscal year budget and appropriations that may be necessary, or take any other action relative thereto.

SUMMARY

The intent of this article is to allow Town Meeting to transfer funds and supplement monies to cover needed expenses in the current fiscal year.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: Nancy Tavernier

(S) Recommended
(F) Recommendation Deferred

{NOTE: DON, ROY - NEED TO PROVIDE EXPANDED SUMMARY WHICH INCLUDES REFERENCE TO CULVERTS.....}

ARTICLE 9 BUDGET ARTICLES

[NOTE: DON, ROY - NEED TO PROVIDE THESE TO ME ASAP]

ARTICLE A* SELF-FUNDING PROGRAM
(Majority Vote Required)

To see if the Town will vote pursuant to Section 53E 1/2 of Chapter 44 of the General Laws to establish revolving funds for the Historic District Commision, the Building Department and Sealer of Weights and Measures, or take any other action relative thereto.

SUMMARY

This will allow the Town to fully fund the Historic District Commission the Building Department Inspection Program and the Sealer of Weights and Measures for the receipts that each program produces. This article removes the cost of these programs from the tax base.

It is anticipated that with the exception of Electrical, Plumbing & Gas permits the revenues and expenses for previously funded programs will remain the same as last year. Due to the increase in construction, Electrical, Plumbing & Gas permits have been increased to reflect the anticipated activity.

	REVENUE		EXPENSE
Historic District Fees	250	250	
Building Department			
Micro Film Fees		2,300	2,300
Electrical, Plumbing and			
gas permits 37,200		37,200	
Sign License/Periodic		6,000	6,000
Sealer of Weights and Measures		6,500	6,500

Direct inquiries to: John Murray, Assistant Town Manager -264-9612
Selectmen Assigned:

(S) Recommended
(F)

ARTICLE B BUDGET FUNDING MEMORIAL LIBRARY

NOTE: DON, I need wording from you or Wanda

ARTICLE C# WEST ACTON CITIZEN'S LIBRARY
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$24,528, or any other sum, for salaries and operating expenses for the maintenance of staffing of the West Acton Citizens Library Association, or take any other action relative thereto.

SUMMARY

This article, if adopted would fund the West Acton Citizen's Library for FY95 (July 1, 1994-June 30, 1995).

#Inserted By Citizen Petition
Selectman Assigned:

(S) Not Recommended: If the Municipal FY95 Budget, which includes funds for this library is passed and this Article is also passed, the West Acton Library budget will be doubled.

(F)

ARTICLE D - BLANCHARD AUDITORIUM CHIMNEY REPAIR
(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds the sum of \$, or any other sum, for the repair of the chimney at the Blanchard Auditorium, including any engineering fees and other costs incidental thereto and determine whether such appropriation shall be raised by borrowing or otherwise, or take any other action thereto.

SUMMARY

This article requests funds for the repair of the Blanchard Auditorium chimney. The chimney, built in 1954, is in good condition except for the top twenty feet where heavy deterioration is evident. Based on the results of the preliminary structure and mechanical analysis the school system is in the process of requesting bids for the repair of the chimney.

Direct inquiries to:
Selectman Assigned:

(S) Recommended
(F)

ARTICLE E USE OF FUNDS TO REDUCE THE TAX RATE
(Majority Vote Required)

To see if the Town will determine an amount of free cash which shall be used for the purpose of reducing the tax rate for the fiscal year beginning July 1, 1994, or take any other action relative thereto.

SUMMARY

This article requests that the Town Meeting appropriate a sum of money from Free Cash to offset the tax levy.

Direct inquiries to: Roy Wetherby, Dir. of Finance - 264-9617
Selectman Assigned: Dore' Hunter

(S) Recommended
(F)

ARTICLE F STORM APPROPRIATION
(Majority Vote Required)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other unusual occurrences during FY '94 & FY '95; or take any other action relative thereto.

SUMMARY

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) reimburses cities and towns for certain costs during declared emergencies. This article authorizes the Town to expend these reimbursements to replenish the Town budget, which originally was charged for the expenditure.

Direct inquiries to: John Murray, Asst. Town Manager - 264-9612
Selectman assigned:

(S)
(F)

NOTE: TITLE NEEDS TO BE REWORKED PER BOS

ARTICLE G* TRANSFER OF FUNDS CEMETERY LAND FUND
(Majority Vote Required)

To see if the Town will raise and appropriate or transfer from the Cemetery Land Fund the sum of \$10,000, or any other sum, to be expended by the Town Manager for the design, development, landscaping, roadways, and drainage of new sections of Woodlawn Cemetery and Mount Hope Cemetery, or take any other action relative thereto.

SUMMARY

The 1993 Annual Town Meeting approved an initial transfer of \$33,500 for the first phases of development of the new sections of the two active cemeteries. The article this year will provide the second portion of funds required, as was envisioned in the original article. The new sections will provide over 1000 additional grave spaces, which will be sufficient for approximately ten years.

The funds in the Cemetery Land Fund are accumulated from a portion of the purchase price of grave spaces, and are dedicated for the expansion of the cemeteries.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.-264-9629
Selectman Assigned:

(S) Recommended
(F)

ARTICLE H* ALTERNATIVE REVENUE SOURCES
(Majority Vote Required)

To see if the Town will authorize department heads, with the approval of the Town Manager, to enter into contracts to identify and pursue federal government reimbursements and other alternative revenue sources, as provided in Section 70 of Chapter 44, of the General Laws, or take any other action relative thereto.

SUMMARY

Passage of this article will allow the Town to contract with vendors to identify and pursue federal reimbursements for, or other revenues or available resources that may be generated by, municipal programs and services, and to pay for the contracts from those reimbursement or revenues without further appropriation.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned:

(S) Recommended
(F)

ARTICLE I* CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM
(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds a sum of money for highway improvements under the authority of Chapter 90 of the General Laws and any other applicable law, or take any other action relative thereto.

SUMMARY

A change in State law required that State Highway Reimbursement Funds be appropriated by Town Meeting. Each year the State provides communities with 100% Reimbursement for certain highway projects. These monies have provided all the resurfacing projects in Acton for the last three years. If Town Meeting were not to adopt this article, it is conceivable that the monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: Dore' Hunter

(S) Recommended
(F)

ARTICLE J* ACCEPTANCE OF GIFTS OF LAND
(Majority Vote Required)

To see if the Town will vote to accept as a gift the following parcel of vacant land:

From LaSell Realty Corp., a parcel of land consisting of 1.4 acres, more or less, located at 48 Conant Street Behind, Parcel I-3, 127. Said land to be classified for General Municipal use, or take any other action relative thereto.

SUMMARY

This parcel is a very small lot that is adjacent to existing Conservation Land, and is almost entirely Wetlands and Floodplain. For the foreseeable future this land will remain undeveloped.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.-264-9629
Selectman Assigned:

(S) Recommended
(F)

ARTICLE K* STREET ACCEPTANCES
(Majority Vote Required)

To see if the Town will accept as a public way the following street or portion thereof, as laid out by the Board of Selectmen according to a plan on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said street by eminent domain or otherwise, including easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout:

In the KENNEDY ESTATES SUBDIVISION

Kennedy Lane - from the southerly sideline of Arlington Street a distance of 467 feet, more or less, in an southeasterly direction to the easterly sideline of a 77.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

SUMMARY

This is an Annual Article to accept roads as Town ways which have been built to Planning Board standards. In order to create a new road, a potential land developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the road according to this plan and the rules and regulations of the Planning Board. Inspections are made by the Engineering Department during construction to insure compliance with these standards. Upon completion of the road, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the road as a town way. Prior to Town Meeting the Selectmen hold a Public Hearing and adopt an "Order of Layout" containing a legal description of the road. Following Town Meeting, the Selectmen obtain title to the road by deed or eminent domain. Such roads are built and donated to the Town at no cost, however, the Town will assume future maintenance costs as with any Town road. The subdivision process is contained in Massachusetts General Law Chapter 41, and the layout of Town ways is Chapter 82. Kennedy Lane has followed this process and is now ready for acceptance.

Direct inquiries to: David Abbt, Engineering Admin. - 264-9628.
Selectman Assigned:

(S) Recommended
(F)

ARTICLE L* CHARTER ROAD SIDEWALK EASEMENT - RICHARDS
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Gordon D. Richards of 60 Charter Road an easement along a portion of his frontage on Charter Road for sidewalk purposes, or take any action relative thereto.

SUMMARY

The donation of this easement is for the sidewalk recently constructed on Charter Road at this location.

Direct inquiries to:
Selectman Assigned:

(S) Recommended
(F)

ARTICLE M* CHARTER ROAD SIDEWALK EASEMENT - SMITH
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Ira D. and Barbara K. Smith of 68 Charter Road an easement along their frontage on Charter Road for sidewalk purposes, or take any action relative thereto.

SUMMARY

The donation of this easement is for the sidewalk recently constructed on Charter Road at this location.

Direct inquiries to: David F. Abbt, Engineering Admin., 264-9628
Selectman assigned:

(S) Recommended
(F)

ARTICLE N° CHARTER ROAD SIDEWALK EASEMENT - SACKMAN
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Geoffrey D. and Joan S. Sackman of 64 Charter Road an easement 5 feet wide along their frontage on Charter Road for sidewalk purposes, or take any action relative thereto.

SUMMARY

The donation of this easement is for the sidewalk recently constructed on Charter Road at this location.

Direct inquiries to: David F. Abbt, Engineering Admin.- 264-9628
Selectman assigned:

(S) Recommended
(F)

ARTICLE O* MAIN STREET EASEMENT
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Sun Company, Inc. (formerly Sun Refining & Marketing Co.) an easement on their property at 421 Massachusetts Avenue 10 feet wide running parallel and adjacent to the sideline of Main Street for all purposes that streets and ways are commonly used in the Town of Acton, being further described in a Quitclaim Deed to the Town of Acton dated October 5, 1993, or take any other action relative thereto.

SUMMARY

This easement is being donated to the Town in anticipation of the possibility of a future widening of Main Street (Route 27) at Kelley's Corner. The future widening would resemble, at least in concept, the recent widening of Main Street at Great Road (Route 2A).

Direct inquiries to: David F. Abbt, Engineering Admin. - 264-9628
Selectman assigned:

(S) Recommended
(F)

**ARTICLE P - WEST ACTON VILLAGE (WAV), GENERAL BUSINESS (GB) AND
LIMITED BUSINESS (LB) DISTRICTS IN WEST ACTON
(2/3 Vote Required)**

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw and the Acton Zoning Map as follows:

A.1 Zoning Map. Rezone to West Acton Village District (WAV) the following parcels of land identified by their 1993 Town of Acton Atlas Map and Parcel numbers:

(Present zoning designations, shown in parenthesis, and street addresses are provided for reference purposes only.)

Map F-2A	Parcel 69	(R-2, WAV)	267 Arlington St.
Map F-2A	Parcel 86	(none)	Corner of Central St. & Mass. Ave.
Map F-2A	Parcel 94	(R-2, WAV)	3 Spruce St.
Map F-2A	Parcel 100	(R-2)	596 Massachusetts Ave.
Map F-2A	Parcel 101	(R-2)	592 Massachusetts Ave.
Map F-2A	Parcel 116	(R-2)	274 Central St.
Map F-2A	Parcel 119	(R-2)	270 Central St.
Map F-2B	Parcel 37	(LB)	236 Central St.
Map F-2B	Parcel 41,	which is the portion east of the drainage easement of Parcel shown as F-2B/32 and F-2B/41	
		(LB)	5 Willow St.

A.2 Zoning Map. Rezone to Residence 2 (R-2) the following parcels of land identified by their 1993 Town of Acton Atlas Map and Parcel numbers:

(Present zoning designations, shown in parenthesis, and street addresses are provided for reference purposes only.)

Map E-2	Parcel 239,	only that portion which is on the east side of Central St.	
		(GB)	331-347 Central St.
Map E-2	Parcel 252	(GB)	355 Central St.
Map F-2A	Parcel 2	(WAV)	311 Central St.
Map F-2A	Parcel 2-1	(GB)	317 Central St.
Map F-2A	Parcel 17	(WAV)	68 Spruce St.
Map F-2A	Parcel 19	(WAV)	50 Spruce St.
Map F-2A	Parcel 23	(WAV)	44 Spruce St.
Map F-2A	Parcel 24	(WAV)	42 Spruce St.
Map F-2A	Parcel 27	(WAV)	309 Central St.
Map F-2A	Parcel 28	(WAV)	40 Spruce St.
Map F-2A	Parcel 32	(WAV)	307 Central St.
Map F-2A	Parcel 37	(WAV)	305 Central St.
Map F-2A	Parcel 38	(WAV)	305 Central St. (beside)
Map F-2A	Parcel 39	(WAV)	34 Spruce St.
Map F-2A	Parcel 42	(WAV)	303 Central St.
Map F-2A	Parcel 43	(WAV)	303 Central St. (rear)
Map F-2A	Parcel 50	(WAV)	301 Central St.
Map F-2A	Parcel 52	(WAV)	30 Spruce St.
Map F-2A	Parcel 58	(WAV)	299 Central St.
Map F-2B	Parcel 32,	which is the portion west of the drainage easement of Parcel shown as F-2B/32 and F-2B/41	

Map F-2B Parcel 49

(LB)
(LB)

5 Willow St.
13 Willow St.

B.1 Zoning Bylaw - Section 3. Table of PRINCIPAL USES. Delete the WAV column under the heading for Village Districts and replace with the following new WAV column:

(For reference purposes, where changes are proposed in the WAV district, the present designation is shown in brackets.)

PRINCIPAL USES		VILLAGE DISTRICTS	
		WAV	
3.2	GENERAL USES		
3.2.1	Agriculture	Y	
3.2.2	Conservation	Y	
3.2.3	Earth Removal	N	[SPA]
3.2.4	Recreation	SPS	
3.3	RESIDENTIAL USES		
3.3.1	Single Family Dwelling	Y	
3.3.2	Single Family Dwelling with one Apartment	Y	[Y(3)]
3.3.3	Dwelling Conversions	Y	[SPA]
3.3.4	Multifamily Dwelling	Y	[N(2)]
3.4	GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES		
3.4.1	Municipal	Y	
3.4.2	Educational	Y	
3.4.3	Religious	Y	
3.4.4	Nursing Home	SPS	
3.4.5	Public or Private Utility Facilities	Y	
3.4.6	Child Care Facility	Y	
3.5	BUSINESS USES		
3.5.1	Retail Store	Y	
3.5.2	Business or Professional Office	Y	
3.5.3	Financial	Y	
3.5.4	Restaurant	SPS	
3.5.5	Hotel, Inn or Motel	SPS	
3.5.6	Combined Business and Dwelling	Y	[SPS]
3.5.7	Lodge or Club	SPS	
3.5.8	Funeral Home	Y	
3.5.9	Veterinary Care	SPS	[N]
3.5.10	Commercial Kennel	N	
3.5.11	Personal Services	Y	

3.5.12	General Services	Y	
3.5.13	Studio	Y	
3.5.14	Building Trade Shop	Y	
3.5.15	Commercial Recreation	SPS	[N]
3.5.16	Commercial and Trade School	SPS	
3.5.17	Amusement Facility	SPS	[N]
3.5.18	Motor Vehicle Service Station or Car Wash	N	[SPS]
3.5.19	Motor Vehicle Repair or Body Shop	SPS	[Y]
3.5.20	Light Vehicular and Equipment Sales	N	
3.5.21	Parking Facility	Y	
3.6	INDUSTRIAL USES		
3.6.1	Warehouse	N	
3.6.2	Mini-Warehouse	N	[SPS]
3.6.3	Construction Yard	N	
3.6.4	Lumber Yard	N	
3.6.5	Heating Fuel Sales and Service	N	
3.6.6	Light Manufacturing	SPS	[N]
3.7	PROHIBITED USES		
3.7.1	Heavy Manufacturing	N	
3.7.2	Storage	N	
3.7.3	Amusement	N	
3.7.4	General	N	
3.7.5	Heavy Vehicular Sales or Repair Garages	N	

B.2 Zoning Bylaw - Section 3. Amend Section 3.5.5 as stated below.

After "(NAV)" insert the following:
 ", West Acton Village (WAV)"

C.1 Zoning Bylaw - Section 5. Delete the first paragraph of Section 5.5.2 and replace with:

"Maximum Floor Area of Businesses and Industries - The maximum NET FLOOR AREA of an individual business or industrial establishment shall not exceed the following (all limits expressed in square feet):"

C.2 Zoning Bylaw - Section 5. Amend the WAV column in Section 5.5.2 to read as follows:

3.5.1	Retail Store	5,000
3.5.2	Business or Professional Office	5,000
3.5.3	Financial	5,000
3.5.4	Restaurant	5,000

3.5.7	Lodge or Club	5,000
3.5.9	Veterinary Care	3,000
3.5.11	Personal Services	3,000
3.5.12	General Services	5,000
3.5.13	Studio	3,000
3.5.14	Building Trade Shop	5,000
3.5.15	Commercial Recreation	5,000
3.5.17	Amusement Facility	5,000
3.6.6	Light Manufacturing	5,000

C.3 Zoning Bylaw - Section 5. Table of Standard Dimensional Regulations. Amend the WAV entry in the Table of Standard Dimensional Regulations to read as follows:

Zoning Districts	Minimum LOT Area in sq.ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in %	Maximum FLOOR AREA RATIO	Maximum Height in feet
WAV	NR	NR	NR	5 (10)	NR (1)	NR	.40 (1)	36 (12)

C.4 Zoning Bylaw - Section 5. Table of Standard Dimensional Regulations. Add the following new footnotes as stated below:

- (10) The maximum front yard shall be ten (10) feet, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least. Exceptions: The maximum front yard requirement shall not apply to a) a BUILDING or STRUCTURE in the rear of an existing BUILDING or an addition to the rear of an existing BUILDING or STRUCTURE, if all are located on one LOT with FRONTAGE on only one STREET; b) a BUILDING or STRUCTURE on a LOT without FRONTAGE and located entirely in the rear of existing BUILDINGS or STRUCTURES so that it does not face a STREET.
- (11) The FLOOR AREA RATIO may be increased to .70 provided that for every 1000 square feet of non-residential NET FLOOR AREA built above a FLOOR AREA RATIO of .40 an at-least-equal amount of residential NET FLOOR AREA is provided simultaneously.
- (12) In the West Acton Village District, the minimum height of BUILDINGS shall be twenty (20) feet.

or take any other action relative thereto.

SUMMARY

This is the first of four articles (Articles insert #s) presented at this Town Meeting which would implement the recommendations of the West Acton Village Plan through changes in the Zoning Bylaw. The West Acton Village Plan, is a supplement to Acton's town wide Master Plan completed in 1991. The Master Plan had recommended that Acton's village areas should be studied independently and in greater detail. Based on extensive comment and participation of residents and businesses in and around West Acton Village, the West Acton Village Plan sets forth the following broad policy goals for the village and its surrounding neighborhoods:

- Maintain village character.
- Improve pedestrian safety, convenience and comfort.
- Improve automobile traffic safety.
- Support new development that enhances village vitality.
- Encourage small business development.
- Promote diversity in housing.
- Protect natural resources.
- Preserve open spaces and develop additional public open spaces and parks.
- Improve the appearance of West Acton Village.

If adopted, Part A of this article will reduce the West Acton Village District to the area which is currently the core business center of West Acton Village:

- It will eliminate the northerly extensions of the present business zoning districts which now extend north along Central and Spruce Streets. These areas are mostly in residential use.
- It will rezone these and some additional parcels south of the village center to the Residence 2 District. In the next Article (insert Article #) most of these parcels will be rezoned to a new residential zoning district, Village Residential District, to recognize the unique characteristics of these village residences.
- In addition, it will rezone from the Limited Business District to the West Acton Village District an isolated commercial area at the intersection of Central and Willow Streets. This area is within the geographic boundaries of West Acton Village. The West Acton Village zoning designation is therefore more appropriate.

Part B will change use regulations in the West Acton Village District. Some of the changes are:

- Multifamily uses will be allowed. Although many apartment houses do exist in the West Acton Village District new ones are presently not allowed.
- Businesses and dwellings will be allowed on the same lot and in the same building as a matter of right. Currently this requires a special permit. A mixture of residential and commercial uses in one building, often store fronts with apartments above, is typical of traditional villages such as West Acton. Zoning to allow this mixture is consistent with existing land uses patterns in the village.
- Commercial recreation such as a skating rink, a bowling alley or a pool, and amusement facilities such as a theater (Theater III) or a cinema, will be allowed by special permit. Unlike most of Acton's other village zoning districts, these uses are currently not allowed in the West Acton Village District.

- Gas stations, car wash facilities and mini-warehouses will no longer be permitted uses.
- Light manufacturing of goods, such as electronic or building components, office supplies or printed products, will become a use that may be allowed by special permit. Currently it is not allowed.

Although the geographic area of the WAV District will be reduced, the article in Part C, will double the amount of building floor area that can be located on lots in the newly defined WAV District to 40 percent of the lot area. This will allow new business growth in the West Acton Village District. In addition Part C will accomplish the following:

- The allowable building floor area may be further increased to 70 percent of the lot area if at least half of the additional floor area is dedicated to residential use. This will ensure a mixture of residential and commercial uses in the village core, which is important for the health of the businesses located there and for the vitality of the village as a whole. The increases in allowable building floor area are more consistent with the current composition of buildings in the West Acton Village center. For instance, the historic buildings between Central Street and Windsor Avenue have a building floor area that comes close to 200 percent of their lot area.
- The size of individual businesses and industries will be limited, some to 5000 square feet and others to 3000 square feet in floor area. This will maintain the small business character of the village center.
- The maximum front yard requirement in the West Acton Village District will be 10 feet. This ensures that new buildings will be close to the street, which is more consistent with the village's existing buildings.
- The minimum side and rear yard setbacks of 10 feet for buildings abutting other buildings within the West Acton Village District will be eliminated. This will allow building designs and layouts that are more appropriate in a village setting.
- The minimum height of buildings in the West Acton Village District will be 20 feet. This will ensure that new buildings are more consistent with the height of existing buildings.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned:

(S)
(F)

ARTICLE Q - VILLAGE RESIDENTIAL DISTRICT IN WEST ACTON
(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw and the Acton Zoning Map as follows:

- A. **Zoning Map.** Rezone to Village Residential (VR) the following parcels of land identified by their 1993 Town of Acton Atlas Map and Parcel numbers.

(Street addresses are provided for reference purposes only.)

(For reference, the following parcels are presently zoned GB; Article (Insert Article #) of this warrant, if adopted, has rezoned the parcels to Residence 2 (R-2).)

Map E-2	Parcel 239, only that portion which is on the east side of Central St.	331-347 Central St.
Map E-2	Parcel 252	355 Central St.
Map F-2A	Parcel 2-1	317 Central St.

(For reference, the following parcels are presently zoned WAV; Article (Insert Article #) of this warrant, if adopted, has rezoned the parcels to Residence 2 (R-2).)

Map F-2A	Parcel 2	311 Central St.
Map F-2A	Parcel 17	68 Spruce St.
Map F-2A	Parcel 19	50 Spruce St.
Map F-2A	Parcel 23	44 Spruce St.
Map F-2A	Parcel 24	42 Spruce St.
Map F-2A	Parcel 27	309 Central St.
Map F-2A	Parcel 28	40 Spruce St.
Map F-2A	Parcel 32	307 Central St.
Map F-2A	Parcel 37	305 Central St.
Map F-2A	Parcel 38	305 Central St. (beside)
Map F-2A	Parcel 39	34 Spruce St.
Map F-2A	Parcel 42	303 Central St.
Map F-2A	Parcel 43	303 Central St. (rear)
Map F-2A	Parcel 50	301 Central St.
Map F-2A	Parcel 52	30 Spruce St.
Map F-2A	Parcel 58	299 Central St.

(For reference, the following parcel is presently zoned LB; Article (Insert Article #) of this warrant, if adopted, has rezoned the parcel to Residence 2 (R-2).)

Map F-2B	Parcel 49	13 Willow St.
----------	-----------	---------------

(For reference, the following parcels are presently zoned Residence 2 (R-2).)

Map F-2A Parcel 16	308 Central St.
Map F-2A Parcel 16-1	310 Central St.
Map F-2A Parcel 16-2	306 Central St.
Map F-2A Parcel 18	51 Spruce St.
Map F-2A Parcel 20	215 Arlington St.
Map F-2A Parcel 25	37 Spruce St.
Map F-2A Parcel 29-10	226 Arlington St.
Map F-2A Parcel 33	33 Spruce St.
Map F-2A Parcel 34	221 Arlington St.
Map F-2A Parcel 35	217 Arlington St.
Map F-2A Parcel 36	302 Central St.
Map F-2A Parcel 44	239 Arlington St.
Map F-2A Parcel 45	235 Arlington St.
Map F-2A Parcel 46	227 Arlington St.
Map F-2A Parcel 49	298 Central St.
Map F-2A Parcel 53	220 Arlington St.
Map F-2A Parcel 56	294 Central St.
Map F-2A Parcel 57	296 Central St.
Map F-2A Parcel 64	292 Central St.
Map F-2A Parcel 77	603 Massachusetts Ave.
Map F-2A Parcel 84	285 Arlington St.
Map F-2A Parcel 85	612 Massachusetts Ave.
Map F-2A Parcel 96	608 Massachusetts Ave.
Map F-2A Parcel 99	276 Arlington St.
Map F-2A Parcel 103	531 Massachusetts Ave.
Map F-2A Parcel 104	525 Massachusetts Ave.
Map F-2A Parcel 108	278 Arlington St.
Map F-2A Parcel 114	537 Massachusetts Ave.
Map F-2A Parcel 115	284 Arlington St.
Map F-2A Parcel 127	264 Central St.
Map F-2A Parcel 132	550 Massachusetts Ave.
Map F-2A Parcel 133	544 Massachusetts Ave.
Map F-2A Parcel 134	17 Windsor Ave.
Map F-2A Parcel 135	18-20 Windsor Ave.
Map F-2A Parcel 136	5 Kinsley Rd.
Map F-2A Parcel 137	542 Massachusetts Ave.
Map F-2A Parcel 139	536 Massachusetts Ave.
Map F-2A Parcel 140	530 Massachusetts Ave.
Map F-2B Parcel 1	258 Central St.
Map F-2B Parcel 2	257 Central St.
Map F-2B Parcel 3	25 Windsor Ave.
Map F-2B Parcel 4	24 Windsor Ave.
Map F-2B Parcel 5	520 Massachusetts Ave.
Map F-2B Parcel 6	516 Massachusetts Ave.
Map F-2B Parcel 7	9 Church St.
Map F-2B Parcel 8	7 Church St.
Map F-2B Parcel 9	5 Church St.
Map F-2B Parcel 10	250 Central St.
Map F-2B Parcel 11	253 Central St.
Map F-2B Parcel 12	29 Windsor Ave.
Map F-2B Parcel 13	30 Windsor Ave.
Map F-2B Parcel 14	9 Kinsley Rd.
Map F-2B Parcel 15	540 Massachusetts Ave.
Map F-2B Parcel 16	11 Church St.

Map F-2B Parcel 17	12 Church St.
Map F-2B Parcel 18	8 Church St.
Map F-2B Parcel 19	248 Central St.
Map F-2B Parcel 20	249 Central St.
Map F-2B Parcel 21	33 Windsor Ave.
Map F-2B Parcel 22	35 Windsor Ave.
Map F-2B Parcel 24	15 Church St.
Map F-2B Parcel 25	14 Church St.
Map F-2B Parcel 26	244 Central St.
Map F-2B Parcel 27	43 Windsor Ave.
Map F-2B Parcel 28	38 Windsor Ave.
Map F-2B Parcel 29	42 Windsor Ave.
Map F-2B Parcel 30	15 Kinsley Rd.
Map F-2B Parcel 31-1	6 Kinsley Rd.
Map F-2B Parcel 31-2	8 Kinsley Rd.
Map F-2B Parcel 31-10	514 Massachusetts Ave.
Map F-2B Parcel 33	242 Central St.
Map F-2B Parcel 34	241 Central St.
Map F-2B Parcel 35	49 Windsor Ave.
Map F-2B Parcel 36	46 Windsor Ave.
Map F-2B Parcel 38	237 Central St.
Map F-2B Parcel 39	53 Windsor Ave.
Map F-2B Parcel 40	48 Windsor Ave.
Map F-2B Parcel 43	233 Central St.
Map F-2B Parcel 44	57 Windsor Ave.
Map F-2B Parcel 45	56 Windsor Ave.
Map F-2B Parcel 50	224 Central St.
Map F-2B Parcel 51	221 Central St.
Map F-2B Parcel 52	59 Windsor Ave.
Map F-2B Parcel 53	62 Windsor Ave.
Map F-2B Parcel 59	220 Central St.
Map F-2B Parcel 60	217 Central St.
Map F-2B Parcel 61	63 Windsor Ave.
Map F-2B Parcel 64	28 Willow St.
Map F-2B Parcel 65	214 Central St.
Map F-2B Parcel 67	211 Central St.
Map F-2B Parcel 69	69 Windsor Ave.
Map F-2B Parcel 75	30 Willow St.
Map F-2B Parcel 76	206 Central St.
Map F-2B Parcel 78	207 Central St.
Map F-2B Parcel 79	75 Windsor Ave.
Map F-2B Parcel 87	68 Windsor Ave.
Map F-2B Parcel 87-1	66 Windsor Ave.

- B. **Zoning Bylaw - Section 2.** In Section 2.1, insert the following new zoning district classification under the heading "Residential Districts":

Village Residential

VR

C.1 Zoning Bylaw - Section 3. Table of PRINCIPAL USES. Add the following new Village Residential (VR) column under the heading for Residential Districts.

PRINCIPAL USES		RESIDENTIAL DISTRICTS
		VR
3.2	GENERAL USES	
3.2.1	Agriculture	Y
3.2.2	Conservation	Y
3.2.3	Earth Removal	N
3.2.4	Recreation	SPS
3.3	RESIDENTIAL USES	
3.3.1	Single Family Dwelling	Y
3.3.2	Single Family Dwelling with one Apartment	Y
3.3.3	Dwelling Conversions	SPA
3.3.4	Multifamily Dwelling	SPA (7)
3.4	GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES	
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	SPS
3.4.5	Public or Private Utility Facilities	N
3.4.6	Child Care Facility	Y
3.5	BUSINESS USES	
3.5.1	Retail Store	Y (8)
3.5.2	Business or Professional Office	Y (8)
3.5.3	Financial	Y (8)
3.5.4	Restaurant	SPS (8)
3.5.5	Hotel, Inn or Motel	SPS
3.5.6	Combined Business and Dwelling	Y (8)
3.5.7	Lodge or Club	N
3.5.8	Funeral Home	N
3.5.9	Veterinary Care	SPS (8)
3.5.10	Commercial Kennel	N
3.5.11	Personal Services	Y (8)
3.5.12	General Services	Y (8)
3.5.13	Studio	Y (8)
3.5.14	Building Trade Shop	N
3.5.15	Commercial Recreation	N
3.5.16	Commercial and Trade School	N

3.5.17	Amusement Facility	N
3.5.18	Motor Vehicle Service Station or Car Wash	N
3.5.19	Motor Vehicle Repair or Body Shop	N
3.5.20	Light Vehicular and Equipment Sales	N
3.5.21	Parking Facility	N
3.6	INDUSTRIAL USES	
3.6.1	Warehouse	N
3.6.2	Mini-Warehouse	N
3.6.3	Construction Yard	N
3.6.4	Lumber Yard	N
3.6.5	Heating Fuel Sales and Service	N
3.6.6	Light Manufacturing	N
3.7	PROHIBITED USES	
3.7.1	Heavy Manufacturing	N
3.7.2	Storage	N
3.7.3	Amusement	N
3.7.4	General	N
3.7.5	Heavy Vehicular Sales or Repair Garages	N

C.2 Zoning Bylaw - Section 3. Table of PRINCIPAL USES. Add the following new footnotes:

- (7) Not more than four (4) DWELLING UNITS shall be permitted per multifamily dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes.
- (8) Provided that the owner of the property resides on the property, the business USE is limited to 500 square feet of NET FLOOR AREA, and all parking spaces are provided to the rear or side of the BUILDING. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. The business USE hereunder shall not be deemed a home occupation. Home occupations are authorized separately under Section 3.8.1.2. Site Plan Special Permit shall not be required. Hours of business operation shall be limited to 7 AM to 9 PM Monday through Saturday, except hours of retail sale shall be limited to 7 AM to 7 PM Monday through Saturday. Exterior lighting fixtures for the business USE shall not be illuminated except during hours of business operation.

C.3 Zoning Bylaw - Section 3. Amend Section 3.5.5 as stated below:

After "(EAV)" insert the following:
"and Village Residential (VR)"

C.4 Zoning Bylaw - Section 3. Amend Section 3.8.1.2 by adding the following words after the first sentence:

"In the Village Residential District, the portion of the DWELLING UNIT or accessory BUILDING used for a home occupation shall be limited to 500 square feet of NET FLOOR AREA."

D. Zoning Bylaw - Section 5. Table of Standard Dimensional Regulations. Add the following entry to the Table of Standard Dimensional Regulations:

Zoning Districts	Minimum LOT Area in sq.ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in %	Maximum FLOOR AREA RATIO	Maximum Height in feet
VR	15,000	50	NR	10	10	20%	NR	36

or take any other action relative thereto.

SUMMARY

If adopted, this article will create a new residential zoning district entitled "Village Residential" (VR) in recognition of the unique settlement pattern of the village homes adjacent to the business center in West Acton Village. The Village Residential District is tailored to West Acton Village's individual characteristics which include single family homes on narrow lots, duplexes, multifamily dwellings, large antique homes on small lots and some homes with small businesses in them.

Parts A and B will establish the Village Residential zoning district by rezoning the parcels which surround the West Acton Village District as defined in the previous article (insert Article #). The general areas included in the Village Residential District are: parcels on Central Street north to the railroad crossing and south a little ways beyond Willow Street; parcels on Spruce Street; parcels on Massachusetts Avenue east a little ways beyond Gardner Field and west just past the Arlington Street intersection; parcels on Arlington Street east close to West Road and west just beyond Massachusetts Avenue.

In Part C of this article, the Table of Principal Uses is amended to identify those uses that will be permitted in the new Village Residential zoning district. The types of land uses proposed to be allowed in the Village

Residential district compare fairly consistently with those land uses that are permitted in the other residential zoning districts, but there are a few noted differences:

In the Village Residential District multifamily dwellings (up to 4 dwelling units) would be allowed by special permit, including new construction, provided that one unit is occupied by the building owner. Many multifamily houses do exist in the West Acton Village area, but new ones are presently not allowed. For comparison, in other residential districts conversions of existing single family homes into multifamily dwellings with up to 4 units is allowed by special permit.

In addition, certain business uses (retail store, office, restaurant, veterinary care, personal and general services, and studio) would be allowed in residential buildings subject to a 500 square foot size limitation. The business need not be operated by a building resident but the building's owner must reside in the building. To minimize the impact on the residential neighborhood, regulations are established for the location of business parking spaces, the hours of business operation, and exterior lighting for the business use. For comparison, in other residential districts businesses in residences are permitted without size limitation, but the business must be operated by the resident.

Part D establishes dimensional controls for lots in the Village Residential District that are comparable to the size of existing lots in the Village. A survey of the parcels in the proposed Village Residential District indicates that almost 70% of the lots have less than the required amount of frontage, and 60% of the lots are smaller in size than is presently allowed by zoning. The proposed dimensional regulations will require less lot area and less frontage. This significantly reduces the number of non-conforming lots: only 10% of the lots will remain with too little frontage; and 42% of the lots will remain with too small an area. Small lots and narrower frontage are typical for village areas. This change will recognize the existing pattern of settlement in the West Acton Village area and thereby aid in the preservation of the village character.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned:

(S)
(F)

ARTICLE R - PARKING IN VILLAGE DISTRICTS
(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

- A.1 Section 6.** Amend Section 6.2 - General Provisions, by deleting the present text and substituting the following text in its place:

All required parking shall be located on the same LOT as the USE it serves, except within a MAJOR AFFORDABLE Housing Development (Section 4.4), a PCRC (Section 9) and a PUD (Section 9A) where required parking may be provided in a flexible configuration within the TRACT OF LAND comprising the development, and except as provided in Section 6.9. Parking facilities shall also comply with the requirements of the Massachusetts Architectural Access Board.

- A.2 Section 6.** Delete Section 6.4 - Exception in Village Districts, and re-number the remaining Sections 6.5, 6.6, 6.7, 6.8, and 6.9 to become Sections 6.4, 6.5, 6.6, 6.7, and 6.8 respectively.

- A.3 Section 6.** In Section 6.5 - Loading Areas (re-numbered as Section 6.4), add the following at the beginning of the first sentence:

"Except in the WAV District"

- A.4 Section 6.** Amend Section 6.8 (re-numbered as Section 6.7) by adding the following words after "except":

"Parking lots in the WAV District, and"

- A.5 Section 6.** Amend Section 6.8.2 (re-numbered as Section 6.7.2) by deleting the last sentence.

- A.6 Section 6.** Amend Section 6.9 - Structured Parking (re-numbered as Section 6.8) by adding the following phrase at the beginning of the first sentence:

"Except in the WAV District"

and by adding the following phrase at the beginning of the second sentence:

"In all zoning districts"

- B. Section 6.** Add new section 6.9 - Special Provisions for Parking in the Village Districts, as follows:

- 6.9 Special Provisions for Parking in the Village Districts
- 6.9.1 SAV, NAV and EAV Districts.
- 6.9.1.1 In the SAV, NAV and EAV Districts, the Board of Selectmen may authorize by special permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies within the same Village District as the BUILDING it is intended to serve.
- 6.9.1.2 In the SAV, NAV and EAV Districts, no off-STREET parking spaces shall be established in a location that is closer to the STREET sideline than the nearest portion of the principal BUILDING or STRUCTURE.
- 6.9.2 In the WAV District, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:
- 6.9.2.1 Required off-STREET parking for a USE in the WAV District may be provided on any LOT within the WAV District.
- 6.9.2.2 In the WAV District, no off-STREET parking spaces shall be established on a LOT in a location that is closer to the STREET sideline than the nearest portion of the principal BUILDING or STRUCTURE.
- 6.9.2.3 Connection of Parking - In the WAV District, a Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the WAV District, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET or a driveway to a STREET or a driveway connecting such LOTS with each other.
- 6.9.2.4 Number of Parking Spaces - In the WAV District, the minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1. In the case of collective use of a parking facility in accordance with Section 6.9.2.5, the minimum number of required parking spaces shall be 50% of the requirements in Section 6.3.1.

6.9.2.5 Collective Use of Parking Facilities - In the WAV District, off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the WAV District where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. The parking spaces provided through the collective use of parking facilities shall be counted towards the minimum required number of spaces for the participating USES applying the discount as set forth in Section 6.9.2.4.

6.9.2.6 Design Requirements - Off-STREET parking spaces in the WAV District, except parking spaces serving a single or two FAMILY residential USE, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements:

- a) Required parking spaces, ACCESS driveways, and interior driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in Section 6.9.2.7.
- b) ACCESS Driveways - Not more than one ACCESS driveway for two-way traffic from a STREET to a parking facility shall be permitted. An additional ACCESS driveway from a STREET may be permitted provided that the ACCESS driveways are limited to one-way traffic. However, there shall not be more than two (2) ACCESS driveways for one-way traffic for any parking facility. ACCESS, interior and common driveways for two-way traffic shall be twenty feet (20') wide. The ACCESS, interior and common driveways for one-way traffic shall be fourteen (14) feet wide.
- c) Set-Backs - Except where parking lots established in accordance with Section 6.9.2.5 cross over common LOT lines, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of five (5) feet from any LOT lines.

6.9.2.7 Landscaping of Parking Lots in the WAV District - Parking lots shall include a landscape area equal to a minimum of five percent (5%) of the area of the parking lot.

- a) Shade trees - One shade tree shall be provided for each two thousand (2000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expect to reach at least 20 feet in height at maturity; be seven (7) feet in height with a trunk caliper size of at least 3/4 inches at the time of planting; and be surrounded by a landscaped area of one hundred square feet (100 sq.ft.) to accommodate the root system of the tree. Additional

landscaping may be required by a Special Permit Granting Authority to better screen the parking lot from the STREET and adjacent USES.

- b) Perimeter Planting Strip - Parking lots adjacent to STREETS, sidewalks, paths or ACCESS driveways shall include a perimeter planting strip at least seven and one-half (7.5) feet wide. However, if the planting strip is protected from vehicular damage through the use of planting beds that are raised above the surface of the parking lot at least twelve (12) inches or through the use of bollards or balustrades, the width of the planting strip may be reduced to five (5) feet. Said planting strip shall feature a physical separation of the parking lot and adjacent ways of at least two and one-half (2.5) feet in height. This physical separation may be created through the use of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination of plantings and fencing. No more than twenty percent (20%) of this perimeter planting strip shall be impervious.
- c) Plantings - Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.
- d) Sight Distance - All landscaping along any STREET FRONTAGE shall be placed and maintained so that it will not obstruct sight distance.
- e) Protection of Landscaped Areas - Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.

C. Amend the following sections of the to correct cross-references within the Zoning Bylaw as follows:

In Section 3.9.2, change from 6.8 to 6.7;
In Section 6.1.1, change from 6.8.2 to 6.7.2;
In Section 6.8.5, change from 6.8.7 to 6.7.7;
In Section 9A.7.5, change from 6.8 to 6.7, and
In Section 10.4.4.1 c), change from 6.8 to 6.7.

or take any other action relative thereto.

SUMMARY

If adopted, this article amends Section 6, Parking Standards, to establish special provisions for parking in the West Acton Village District in recognition of the unique limitations and benefits of a village environment,

such as on-street parking, one stop shopping, many pedestrians and limited space.

Part A will create the framework for a separate section to regulate parking in the Village Districts. The re-numbering of sections in Part A and the new sections in Part B create the need for some housekeeping amendments to correct cross references which will be completed in Part C.

In Part B, special provisions for parking in the village districts are established. These provisions will permit parking lot designs, including landscaping that can be achieved in the tight space of a village setting rather than subjecting village properties to the same parking standards that would apply to large scale industrial parks and shopping centers. Less off-street parking spaces will be required than elsewhere in Town, to recognize the availability of on-street parking and one stop shopping in West Acton Village. Businesses will be encouraged to share parking facilities and connections with adjacent parking facilities will be required wherever possible. Shared and connected parking facilities will improve automobile and pedestrian safety, convenience and comfort and facilitate one stop shopping in the village.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned:

(S)
(F)

ARTICLE S -

**SITE PLAN SPECIAL PERMIT IN VILLAGE DISTRICTS
(2/3 Vote Required)**

To see if the Town of Acton will vote to amend Section 10 of the Acton Zoning Bylaw as follows:

- A. Delete Section 10.4.1 and replace with new sections 10.4.1, 10.4.1.1, and 10.4.1.2 as follows:

10.4.1 Applicability - A Site Plan Special Permit shall be required as follows:

10.4.1.1 In the WAV District, a Site Plan Special Permit shall be required in all instances 1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or 2) where the NET FLOOR AREA of an existing BUILDING is increased 500 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or 3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 500 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.

10.4.1.2 In all other zoning districts, a Site Plan Special Permit shall be required in all instances 1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or 2) where the NET FLOOR AREA of an existing BUILDING is increased 1200 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or 3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 1200 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.

- B. Add new Section 10.4.3.9 as follows:

10.4.3.9 Special Provisions Applicable to the West Acton Village District - In the WAV District, the design and placement of BUILDINGS, STRUCTURES and other site improvements shall be carefully considered to ensure the retention and enhancement of the village character and environment. Proposed BUILDINGS and STRUCTURES shall be related harmoniously to the terrain and to the scale and architecture of existing BUILDINGS in the village that have a functional or visual relationship to the proposed BUILDINGS and STRUCTURES. Proposed BUILDINGS and STRUCTURES shall be compatible with their surroundings with respect to: height; facade facing the STREET; rhythm of solid surfaces and openings; spacing of BUILDINGS and STRUCTURES;

roof slopes, and scale. To minimize the impact of mechanical equipment on the West Acton Village environment and character, window air conditioning units, condenser elements, and heating units shall not be located on the front facades. A certificate issued by the Acton Historic District Commission for development activity proposed on a LOT that is located within the West Acton Local Historic District shall be deemed to satisfy this section.

or take any other action relative thereto.

SUMMARY

If this article is adopted, Part A will amend the Site Plan Special Permit provisions of the Zoning Bylaw to change the threshold for site plan review from gross floor area to net floor area to be consistent with the other sections of the Bylaw.

Part A will also require site plan special permits for development proposals of 500 square feet or more in the West Acton Village District rather than the 1200 square feet threshold in effect elsewhere. In the close knit mixture of buildings and uses of West Acton Village small changes take on a relatively greater importance to abutters and to the village as a whole. This change will ensure better coordination of new development with the existing village fabric.

Part B will add a special provision to regulate the development of a site in the WAV District to ensure that additions and new construction will be compatible with the style, size and proportions of existing buildings. This measure will aid in the preservation of the character of West Acton Village.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned:

(S)

(F)

ARTICLE T -TRACT OF LAND REQUIRED FOR CERTAIN DEVELOPMENTS
(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

A. Section 4. Add the following sub-sections to Section 4.2.3.1:

- a) The Planning Board may permit LOTS on directly opposite sides of a STREET to qualify as a single TRACT OF LAND. To permit such division of a TRACT OF LAND by a STREET, the Planning Board must find that this would enhance the purposes of Open Space Development and not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this Bylaw if the LOTS on either side of the STREET were developed separately. If the Board approves a TRACT OF LAND divided by a STREET, it may permit the total number of permitted DWELLING UNITS to be constructed on either side of the STREET. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS shall be constructed in accordance with the applicable dimensional requirements in Open Space Developments, and the required Common Land may consist of land located on either side of the STREET.
- b) Where a TRACT OF LAND is divided by a zoning district boundary between any of the R-2, R-4, R-8/4, R-10 or R-10/8 districts and the TRACT OF LAND meets the largest of the size requirements for any of the involved districts, the total number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS may be located in either district but shall be constructed in accordance with the dimensional requirements for LOTS and BUILDINGS in Open Space Developments for the district in which the DWELLINGS UNITS are located. The required Common Land shall be large enough to meet the largest of the requirements of the involved zoning districts.

B. Section 9. Add the following sub-sections to Section 9.6.2.1:

- a) The Planning Board may permit LOTS on directly opposite sides of a STREET to qualify as a single TRACT OF LAND. To permit such division of a TRACT OF LAND by a STREET, the Planning Board must find that this would enhance the purposes of PCRC and not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this Bylaw if the LOTS on either side of the STREET were developed separately. If the Board approves a TRACT OF LAND

divided by a STREET, it may permit the total number of permitted DWELLING UNITS to be constructed on either side of the STREET. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS shall be constructed in accordance with the applicable PCRC requirements and the required Common Land may consist of land located on either side of the STREET.

- b) Where a TRACT OF LAND is divided by a zoning district boundary between any of the R-2, R-4, R-8/4, R-10 or R-10/8 districts the total number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS may be located in either district and shall be constructed in accordance with PCRC requirements.

or take any other action relative thereto.

SUMMARY

Currently, only land undivided by a street can be considered for Open Space Developments or Planned Conservation Residential Communities. This article, if adopted, will allow the Planning Board to consider land divided by a street as a single tract of land under the provisions for Open Space Developments and Planned Conservation Residential Communities. The Planning Board, at its discretion, may then allow all dwellings in an Open Space Development or Planned Conservation Residential Communities to be located on one side of a street and all common land, which is to be preserved as open space, to be located on the other side of the street. This will give the Planning Board greater flexibility in siting dwellings and open space in the most suitable and appropriate locations.

The article will also provide standards for locating dwellings within an Open Space Development and a Planned Conservation Residential Community if the tract of land is divided into different residential zoning districts with different provisions for maximum density and affordability. It will allow to locate all houses in the most suitable portion or portions of the tract of land regardless of that portion's location relative to any zoning district on the tract.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

**ARTICLE U - MAXIMUM LIMIT FOR RESIDENTIAL COMPONENT IN
PLANNED UNIT DEVELOPMENTS
(2/3 Vote Required)**

To see if the Town of Acton will vote to delete Section 9A.7.2.5 of the Acton Zoning Bylaw and replace it with the following new Section 9A.7.2.5:

9A.7.2.5 Mix of USES - Residential USES shall comprise at least 40% but not more than 60% of the NET FLOOR AREA of all BUILDINGS in a PUD. If the PUD contains warehouses the NET FLOOR AREA of residential USES may be reduced to 25%. Industrial USES shall not exceed 30% of the NET FLOOR AREA of all BUILDINGS in the PUD.

or take any other action relative thereto.

SUMMARY

Current zoning regulations set a maximum percentage for non-residential components in a Planned Unit Development, but fail to set a maximum limit for the residential component. As result, Planned Unit Developments, which are permitted in business and industrial districts and are intended to be mixed use developments, could become exclusively residential. This would be inconsistent with the purpose of Planned Unit Developments and the Master Plan, and not in the best interest of the Town's tax base. This article, if adopted will establish a maximum percentage (60% net floor area) for the residential component in a Planned Unit Development.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

**ARTICLE V - CORRECTIONS, CLARIFICATIONS AND MINOR ADJUSTMENTS
TO THE ZONING BYLAW
(2/3 Vote Required)**

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

- A. Section 4. Insert at the end of the beginning paragraph of Section 4.3.3 the following:

"The terms defined below are capitalized in this Section 4.3 in addition to the terms defined in Section 1."

- B. Section 4. In Section 4.3.6.3, replace the words "All water runoff from impervious covers shall, at a minimum, be funneled into gas trap catch basins. The first (1st) inch of every storm" with the new words

"All water runoff from IMPERVIOUS COVERS shall be funneled into gas trap catch basins. In addition, the first (1st) inch of every storm".

- C. Section 4. In Section 4.3.6.5 add at the end of Section the following:

"Where a LOT is partly in ZONE 4 and partly in another ZONE of the GROUNDWATER Protection District, IMPERVIOUS COVER runoff, generated in the ZONE 4 portion of the LOT but infiltrated, or discharged from the LOT, in a ZONE 1, 2 or 3 portion of the LOT, shall meet the same quality standard at the point of infiltration or discharge as if the runoff had been generated in ZONES 1, 2 and 3."

- D. Section 4. In Table 4.3.7.2 - part 18, delete text in first column and replace with:

18. Subsurface disposal of wastewater effluent on a parcel of land which is not a buildable LOT as defined in footnote (**).

- E. Section 4. In Table 4.3.7.2 - footnote (**), add the following to the end of the existing text:

"and Common Land as provided for in Sections 4.2, 4.4 and 9 of this Bylaw."

- F. Section 5. In Section 5.2.7.2, delete the part of the section beginning with "In all districts appurtenant STRUCTURES" to the end.

- G. Section 5. Delete Section 5.3.5 and replace with new section 5.3.5 as follows:

5.3.5 Height of BUILDINGS

5.3.5.1 In all districts appurtenant STRUCTURES located upon the roof of a BUILDING may extend above the height limit but in no case shall they exceed 45 feet in height when combined with the height of the BUILDING nor in the aggregate occupy more than 20% of the roof plan area unless authorized by special permit from the Board of Appeals or unless in compliance with Section 5.3.5.2 of this Bylaw.

5.3.5.2 In the General Industrial and Industrial Park Districts the height of BUILDINGS may be increased by right above 40 feet provided that 1) the minimum OPEN SPACE provided on the LOT is 45% or more in the General Industrial District and 60% or more in the Industrial Park District, 2) the maximum BUILDING coverage on the LOT is 25% or less, and 3) the maximum height of the BUILDING is 50 feet or less. The Board of Appeals may authorize by special permit that appurtenant STRUCTURES located upon the roof of any BUILDING in compliance with the above may extend above the height limit but in no case shall they exceed 55 feet in height when combined with the height of the BUILDING nor in the aggregate occupy more than 20% of the roof plan area.

- H. Section 5. In section 5.3.6 replace the words "bordering freshwater wetlands" with the new words

"Freshwater Wetlands".

- I. Section 5. In Section 5.3.9, replace the words "Maximum NET FLOOR AREA - 3000 square feet" with the following new words:

"Maximum NET FLOOR AREA - 1000 square feet"

and delete the words

"Maximum number of children present at any one time - 25".

- J. Section 5. Amend the TABLE OF STANDARD DIMENSIONAL REGULATIONS as follows:

1. Delete the first and second line below the title and replace with:

"See also Special Provisions and Exceptions to Dimensional Regulations (Section 5.3), Transfer of Development Rights for special dimensional regulations affecting the LB, NAV and EAV Districts and certain land in the R-2, R-8 and R-10/8 Districts along and near Great Road (Section 5.4), Special Provisions for Village Districts (Section 5.5), Special Dimensional Requirements in the Groundwater Protection District (Section 4.3), and Special Dimensional Regulations for Open Space Developments (OSD - Section 4.2), Planned Conservation Residential Communities ((PCRC - Section 9) and Planned Unit Developments (PUD - Section 9A)."

2. Delete the last line of the Table which begins with the Zoning District designation PCRC.

- K. **Section 9.** In Section 9.6.2.4, delete the first sentence and replace with the following new sentences:

"There shall be not more than four DWELLING UNITS in any residential BUILDING. Except in the case of detached single family dwellings, there shall be not more than two garage spaces per DWELLING UNIT in any residential BUILDING."

- L. **Section 9A.** In Section 9A.2, insert as a lead paragraph under the section title the following:

"For the purpose of this Section, the following terms shall have the following meaning. The terms defined below are capitalized in this Section 9A in addition to the terms defined in Section 1."

or take any other action relative thereto.

SUMMARY

In interpreting and enforcing the Zoning Bylaw, Town boards and staff collect notes on errors, inconsistencies, deficiencies and unclear passages in the Zoning Bylaw so that corrections can be made periodically. This article, if adopted, will make a series of such corrections, most of them without changing the intent, contents or substance of the Zoning Bylaw. Minor substantive changes are in parts C., I. and K..

Part C. will address treatment of storm water surface runoff on lots that are partly in one and partly in another Zone of the Groundwater Protection District. It will require that runoff that is infiltrated or discharged from the site in a Zone 1, 2 or 3 (zones affording greater groundwater protection) must meet the quality standards of these Zones, even if the runoff originates from a Zone 4 (zone affording less groundwater protection).

Part I. will eliminate the invalid zoning regulation that limits to 25 the number of children in a child care facility located in residential districts. The Attorney General recently has ruled that the number of children in child care facilities may not be directly regulated under local zoning bylaws. To ensure that this zoning change will not result in any larger child care facilities in residential areas than allowed under current zoning, Part I. also proposes to limit the maximum permitted floor area of a child care facility in residential districts to 1000 square feet, down from 3000 square feet. 1000 square feet of floor space provide room for approximately 25 children based on minimum space requirements set forth by the State Office for Children.

Part K. would permit garages with more than 2 car spaces for single family dwellings in a Planned Conservation Residential Community. Garage spaces for multifamily dwellings would remain limited to two per dwelling unit if the garage spaces are incorporated in the same building as the dwelling units.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

**ARTICLE W - ACCOMMODATION OF HANDICAPPED AND VAN ACCESSIBLE
PARKING**

(2/3 Vote Required)

To see if the Town of Acton will vote to delete Section 6.3.2 of the Acton Zoning Bylaw and replace it with a new Section 6.3.2 as follows:

6.3.2 Parking for Persons with Disabilities - Parking spaces for persons with disabilities as required by the Massachusetts Architectural Access Board shall be provided as part of the spaces required under Section 6.3.1.

or take any other action relative thereto.

SUMMARY

The Americans with Disabilities Act requires new and increased standards for parking spaces for persons with disabilities. The regulation and enforcement of parking and access for persons with disabilities most appropriately remains in federal authority under to the Americans with Disabilities Act and in State authority under the regulations of the Architectural Access Board. However, this article, if adopted, will facilitate implementation of the federal and state regulations by allowing parking spaces for persons with disabilities to be part of, rather than in addition to, the overall number of required parking spaces.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

ARTICLE X - CHANGE SPECIAL PERMIT REQUIREMENT FOR COMMON DRIVES

(2/3 Vote Required)

To see if the Town of Acton will vote to delete Section 3.8.1.5 of the Acton Zoning Bylaw and replace it with a new Section 3.8.1.5 as follows:

3.8.1.5 Common Drives for vehicular and non-vehicular ACCESS by way of rights-of-way or easements serving more than one LOT. Common Drives are not STREETS and do not provide FRONTAGE for LOTS. Common Drives serving 6 or more LOTS shall require a special permit by the Planning Board. Common Drives serving more than 2 LOTS but less than 6 LOTS shall be constructed in compliance with the following requirements prior to the occupancy of any DWELLING UNITS served by the Common Drive:

- a) All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on local STREETS the entire pavement width is available for turns, whereas on collector and arterial STREETS a turn shall be possible without obstructing oncoming traffic. (local, collector and arterial STREETS as defined in the Acton Subdivision Rules and Regulations).
- b) There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) at the end of the Common Drive.
- c) The maximum grade within 50 feet of the intersection with a STREET shall be 5%.
- d) The intersection angle between the Common Drive centerline and the STREET centerline shall be not less than 60 degrees.
- e) The maximum grade shall be 10%. Except in short transitions along vertical curves, the minimum grade shall be 1%.
- f) The Common Drive shall be laid out within a 40 foot wide utility and ACCESS easement.
- g) The minimum centerline radius shall be 80 feet.
- h) The stopping sight distance along the Common Drive shall be not less than 125 feet.
- i) The design shall be for a maximum design speed of 25 miles per hour.
- j) The minimum sight distance at the intersection of the Common Drive with a STREET shall be 275 feet, and 450 feet where the STREET is an arterial STREET (arterial STREET as defined in the Acton Subdivision Rules and Regulations).

- k) Adequate drainage shall be provided. The drainage design and appurtenances shall prevent washout and excessive erosion and it shall prevent drainage onto a STREET. Subsurface discharge to a public drain system shall be allowed only if there is sufficient capacity in the public drain system based on a 10-year design storm.
- l) The paved wear surface shall be at least 12 feet wide and consist of a minimum of 3 inches of Type I bituminous concrete, applied in two courses applied in two courses over a minimum base of 12 inches of properly prepared and compacted gravel, graded to drain from the crown.
- m) There shall be a minimum 3 foot wide shoulder on each side free of obstructions such as trees or utility poles. The shoulder shall be prepared with 3-4 inches of topsoil over the same gravel base as the wear surface, and seeded.
- n) There shall be a sign posted at the Common Drive intersection with the STREET displaying the name of the Common Drive and indicating "private way".
- o) A sidewalk shall be constructed along the STREET FRONTAGE of all LOTS served by the Common Drive except where a sidewalk already exists there. The sidewalk shall be 5 feet wide, follow in general the grade of the STREET and have wheelchair ramps at crossings. Sidewalk easements shall be provided as necessary.
- p) An agreement providing ACCESS over the Common Drive to all the LOTS and making all the LOTS served by the Common Drive jointly and severally responsible for its maintenance and repair, including snow plowing, shall be recorded. Evidence of recording shall be given to the Building Commissioner prior to the issuance of a building permit on any LOT served by the Common Drive.
- q) Compliance with the Common Drive construction and design requirements shall be demonstrated to the Building Commissioner by means of propose plans and as-built plans for the Common Drive and sidewalk, prepared by a registered professional engineer. The Building Commissioner shall have the power to establish requirements as to the form and contents of such plans.

or take any other action relative thereto.

SUMMARY

This article, if adopted, will increase the number of residential lots which can be served by a common drive without special permit approval to 5, from currently 2. Proven design standards for width, grades and other aspects will replace the special permit review. Over the years, the Planning Board has dealt with common drives quite frequently and feels that clear design standards as set forth in this article will adequately address public health, safety and welfare concerns while reducing administrative burdens on Town staff and boards at a time of shrinking resources. Common Drives serving 6 or more lots will still require a special permit.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

**ARTICLE Y - ELIMINATE SPECIAL PERMIT REQUIREMENTS FOR CERTAIN
ACCESSORY USES
(2/3 Vote Required)**

To see if the Town of Acton will vote to amend Section 3 the Acton Zoning Bylaw as follows:

A. Delete Section 3.8.2.3 and replace it with a new Section 3.8.2.3 as follows:

3.8.2.3 Drive-up facilities in a bank.

B. Delete Section 3.8.4.4 and replace it with a new Section 3.8.4.4 as follows:

3.8.4.4 Where not otherwise permitted, a greenhouse where the PRINCIPAL USE of the LOT or property is agriculture.

or take any other action relative thereto.

SUMMARY

This article, if adopted, will eliminate the requirement for a special permit for bank drive-up windows in the General Business, Limited Business and Kelley's Corner Districts, and for greenhouses associated with agricultural uses. Like the previous article, this article seeks to reduce non-essential administrative requirements at a time of shrinking municipal resources. Construction of new banks and financial institutions, and expansions by more than 1200 of existing ones, with or without a drive-up window, will still require a site plan special permit. No site plan special permit is required for agricultural uses. Only very few agricultural uses remain in Acton.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

ARTICLE Z - ELIMINATE PROHIBITION AGAINST AND SPECIAL PERMIT REQUIREMENT FOR TERTIARY WASTEWATER TREATMENT FACILITIES

(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw by deleting parts 23. and 24. of Table 4.3.7.2 and footnote (***) of Table 4.3.7.2., and by inserting a new part 23. as follows:

Table 4.3.7.2

	ZONE 1	ZONE 2	ZONE 3
23. Subsurface disposal of tertiary treated wastewater effluent.	Y	Y	Y

or take any other action relative thereto.

SUMMARY

This article, if adopted, will permit as of right tertiary wastewater treatment plants in all zones of the Groundwater Protection District. Tertiary wastewater treatment plants are currently either prohibited or require a special permit depending on their size and location relative to the various Zones of the Groundwater Protection District. Reliably and consistently, these plants release purer and cleaner effluent than any septic system. Therefore, these plants provide a preferred alternative to septic systems when it comes to groundwater protection regardless of density or use on the land. Tertiary treatment plants are strictly regulated, monitored and inspected by the Massachusetts Department of Environmental Protection and the Acton Board of Health. The Planning Board special permit adds a third layer of review which will be eliminated with this article. This article, too, seeks to reduce non-essential administrative requirements at a time of shrinking municipal resources.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

**ARTICLE AA - ELIMINATION OF SPECIAL PERMIT REQUIREMENTS FOR
CERTAIN DIMENSIONAL PROVISIONS**
(2/3 Vote Required)

To see if the Town of Acton will vote to amend Section 5 of the Acton Zoning Bylaw as follows:

- A. In Section 5.2.7.2 (now Section 5.3.5.1 if part G. of **ARTICLE _____ CORRECTIONS, CLARIFICATIONS AND MINOR ADJUSTMENTS TO THE ZONING BYLAW** is adopted), delete the phrase towards the end of the section which reads "unless authorized by special permit from the Board of Appeals or".
- B. In Section 5.3.5 (now Section 5.3.5.2 if part G. of **ARTICLE _____ CORRECTIONS, CLARIFICATIONS AND MINOR ADJUSTMENTS TO THE ZONING BYLAW** is adopted), delete the last sentence which begins with the words "The Board of Appeals may authorize by special permit ...".
- C. In Section 5.3.2.1 delete in the second sentence the phrase which reads "by Special Permit from the Board of Selectmen".

or take any other action relative thereto.

SUMMARY

This article, as several previous zoning articles, seeks to reduce non-essential administrative requirements at a time of shrinking municipal resources. Part A eliminates the possibility to allow, by special permit, unlimited increases in the height of buildings. Part B eliminates a special permit to allow an increase in building height by a mere 5 feet. Part C eliminates a special permit for single family dwellings in the multifamily Residence A District. Existing dimensional standards set forth elsewhere in the Bylaw are sufficient to ensure public health, safety and welfare without a special permit requirement.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

**ARTICLE BB - ASSOCIATE MEMBERS FOR PLANNING BOARD WHEN ACTING
AS SPECIAL PERMIT GRANTING AUTHORITY
(2/3 Vote Required)**

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw by inserting a new Section 10.3.9 as follows:

10.3.9 Planning Board Associate Members - When the Planning Board is acting as a Special Permit Granting Authority under this Bylaw, the Chairman of the Planning Board may designate an associate member, duly appointed by the Board of Selectmen, to sit on the Board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any regular member of the Planning Board or in the event of a vacancy on the Planning Board.

or take any other action relative thereto.

SUMMARY

The Planning Board consists of 7 regular members. Additional associate members have been appointed by the Board of Selectmen to assist the Planning Board in its duties, gain experience on the Board, and serve as advisors as needed. The associate members cannot participate in any votes of the Planning Board. There are currently 2 associate members. This article, if adopted, will authorize up to two Planning Board associate members to vote on zoning special permits as substitutes for regular Planning Board members in the event of absence, inability to act, or conflict of interest on the part of a regular Planning Board member. Adoption of this article is authorized under the provisions of Massachusetts General Law, Chapter 40A (the Zoning Act), Section 9.

This article will allow the Planning Board to better fulfill its responsibilities as a special permit granting authority under the Acton Zoning Bylaw and State Zoning Act. The granting of a special permit requires the affirmative vote of a $\frac{2}{3}$ majority, or 5 out of 7 members of the Planning Board. All members voting in favor or not in favor of granting a special permit must have been in attendance throughout the special permit hearing process. All Planning Board members, regulars and associates, are citizen volunteers with families and professional commitments which sometimes conflict with their duties as Planning Board members. This article, if adopted, will lend greater flexibility to the Planning Board when acting as a special permit granting authority, and help ensure that the Planning Board can perform its duties in a timely manner.

All other functions of the associate members will remain advisory only. This article will not authorize associate members to vote in any other business of the Planning Board. This change also requires a Charter change, see article (Insert Article #).

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

ARTICLE CC - CHARTER CHANGE - ASSOCIATE MEMBERS FOR PLANNING BOARD WHEN ACTING AS SPECIAL PERMIT GRANTING AUTHORITY

To see if the Town of Acton will vote to amend its Charter to provide that the Planning Board, in addition to its 7 regular members, may have two associate members who, pursuant to M.G.L., Chapter 40A, Section 9, may vote as substitutes for regular Planning Board members on special permits under the Acton Zoning Bylaw in the event of absence, inability to act, or conflict of interest on the part of a regular Planning Board member.

or take any other action relative thereto.

SUMMARY

The Planning Board consists of 7 regular members. Additional associate members have been appointed by the Board of Selectmen to assist the Planning Board in its duties, gain experience, and serve as advisors as needed. The associate members cannot participate in any votes of the Planning Board. There are currently 2 associate members. This article, if adopted, will change the Charter to authorize up to two Planning Board associate members to vote on zoning special permits as substitutes for regular Planning Board members in the event of absence, inability to act, or conflict of interest on the part of a regular Planning Board member. Article (INSERT ARTICLE #), if adopted amends the Acton Zoning Bylaw for this purpose whereas this article makes the required Charter change.

This article will allow the Planning Board to better fulfill its responsibilities as a special permit granting authority under the Acton Zoning Bylaw and State Zoning Act. The granting of a special permit requires the affirmative vote of a $\frac{2}{3}$ majority, or 5 out of 7 members of the Planning Board. All members voting in favor or not in favor of granting a special permit must have been in attendance throughout the special permit hearing process. All Planning Board members, regulars and associates, are citizen volunteers with families and professional commitments which sometimes conflict with their duties as Planning Board members. This article, if adopted, will lend more flexibility to the Planning Board when acting as a special permit granting authority, and help ensure that the Planning Board can perform its duties in a timely manner.

All other functions of the associate members will remain advisory only. This article will not authorize associate members to vote in any other business of the Planning Board.

If this article is adopted, the Charter change must be reaffirmed by a subsequent vote in general elections.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

**ARTICLE DD - ACCEPTANCE OF GIFT OF LAND AND RELATED EASEMENTS -
HEARTHSTONE FARM SUBDIVISION**

To see if the Town of Acton will vote to accept from Ronald B. Peabody, Trustee of Bowen Estate I Realty Trust a gift of vacant land for conservation purposes under MGL. Chapter 184, Section 31, along with related access, parking lot, trail and sidewalk easements. The land, shown as Parcel A in the Harthstone Farm Subdivision (off Strawberry Hill Road), contains 31.7 acres, more or less, and is a portion of Parcel 16-2 on Map Sheet E-5 of the 1993 edition of the Town Atlas. Said land is to remain in its current natural, scenic, and open condition and in its current agricultural, farming and forest use. The easements are: a right of way easement for access from Jay Lane to Parcel A; a parking lot easement across from Jay Lane on a parcel of land shown as Parcel 51 on Map Sheet F-5 of the 1993 edition of the Town Atlas; and a sidewalk and trail easement located around the periphery of the same parcel, or take any other action relative thereto.

SUMMARY

Parcel A is the Common Land of the Hearthstone Farm Subdivision (Jay Lane) set aside in accordance with Section 9 of the Acton Zoning Bylaw - Planned Conservation Residential Communities. Parcel A abuts the Spring Hill Conservation area and has frontage on Jay Lane. Acceptance of Parcel A will establish access to the Spring Hill Conservation area from Strawberry Hill Road which was previously not available. Parcel A contains a hilltop which is the highest elevation in the northeast portion of Acton. Currently scenic views from the hilltop are possible in a southerly direction towards Acton Center. Due to physical and legal constraints this area will be used for conservation and passive recreation, including hiking and ski trails, wildlife and forest production. The right of way easement runs parallel to a narrow portion of Parcel A connecting Parcel A to Jay Lane. The parking lot easement is at the foot of Jay Lane on the opposite side of Strawberry Hill Road and allows for the parking of vehicles by persons wishing to access the Spring Hill conservation area via Jay Lane. The trail easement allows for a pedestrian walkway connecting Pope Road near Proctor Street to Strawberry Hill Road near Jay Lane. The sidewalk easements allows for the construction of sidewalks along Strawberry Hill Road and Pope Road.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

**ARTICLE EE - CHANGE OF REQUIREMENTS FOR CHILD CARE FACILITIES
IN RESIDENTIAL DISTRICTS**

See ZONING ARTICLE V, Part I. and SUMMARY portion for Part I. (This was an addendum to ARTICLE V, but advertised separately. That is the reason why it appeared separately at first)

ARTICLE FF# PETITION TO CHANGE ZONING ON LAND IN ACTON
(2/3 Vote Required)

[NOTE: This version of the petition is as submitted by the petitioner.]

DESCRIPTION OF PROPERTY

The land and building presently is zoned East Acton Village.
It consists of approximately 1/2 acre.
Location is on the North side of rt. 2A.
On the easterly side is the old Victorian that is slowly decaying.
On the westerly side are 2 acres now zoned commercial and is presently undeveloped.
Presently it is being used for a chiropractic office.

REASON TO CHANGE

Nashoba Valley Trailers (a long time standing business) would like to move to this 2a location to conduct business. The location on rt. 27 has grown to a point where it would like to consolidate its operation in one building rather than three. At the present site and with the acreage and setbacks at present building on the 27 site would be impossible. In addition the site on 2a is in a commercial district in appearance, with the shopping center and cinema to the East and general commercial activity to the West.

[NOTE: As written the petition is not defining what zoning action is being requested from the Town. Therefore, Town meeting would not be able to act on the petition. Planning staff has discussed this matter with the proponent. Following consultation with Town Counsel, planning staff has advised petitioner to file a revised petition with new signatures. Planning staff has suggested to petitioner to use the following version as the petition article:]

ARTICLE ____ CITIZEN'S PETITION TO CHANGE ZONING OF LAND IN ACTON
(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Acton Zoning Map by rezoning from the East Acton Village (EAV) District to the Limited Business (LB) District a certain parcel of land shown as parcel 28-1 on map sheet G-4 of the 1993 edition of the Acton Town Atlas. Said parcel is located at 107 Great Road, or take any other action relative thereto.

SUMMARY

DESCRIPTION OF PROPERTY: The land and building thereon presently is zoned East Acton Village. The article, if adopted will rezone it to Limited Business. The parcel consists of approximately 1/2 acre. It is located at 107 Great Road (Route 2A), on the north side of Great Road near its intersection with Concord Road. Presently it is being used for a chiropractic office. On the

easterly side is the old Victorian house that is slowly decaying, zoned East Acton Village. On the westerly side are 2 acres, presently undeveloped, zoned Limited Business.

REASON TO CHANGE: Nashoba Valley Trailers (a long time standing business) would like to move to this Route 2A location to conduct business. The business, presently located on Route 27, has grown to a point where it would like to consolidate its operation in one building rather than three. At the present site and with the acreage and setbacks at the present buildings on the Route 27 site this would be impossible. In addition the site on Route 2A is in a commercial district in appearance, with the shopping center and cinema to the east and general commercial activity to the west.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

[NOTE: Unless petitioner files a revised version of petition article with the Town Clerk, the original petition as filed must go on the warrant. The Town cannot change citizen's petitions. Town Clerk reports that to date no revised petition has been filed. Petitioner has indicated that he will file a revised petition shortly.]

**ARTICLE GG - PUBLIC USE OF LAND BY TOWN OR AGENCY OTHER THAN THE
TOWN OF ACTON AND THE WATER SUPPLY DISTRICT OF ACTON**
(2/3 Vote Required)

To see if the Town of Acton will vote to amend the Acton Zoning Bylaw as follows:

A. Add new Section 3.4.7 as follows:

3.4.7 Other Public USE - USE of land, BUILDINGS and STRUCTURES for a public purpose, other than educational USE, by any town or local agency, except the Town of Acton and the Water Supply District of Acton.

B. Add the following line to the Table of PRINCIPAL USES:

		Residential Districts	Village Districts	Office Districts	Business Districts	Industrial Districts	Special Districts	Site Plan
3.4.7	Other Public USE	SPS(6)	SPS(6)	SPS(6)	SPS(6)	SPS(6)	SPS(6)	R

C. Add the following footnote (6) to Section 3.4.7 in the Table of PRINCIPAL USES:

(6) If the proposed USE will be located in the Floodway Fringe, as defined in Section 4.1, or Zones 1, 2 or 3 of the Groundwater Protection District, as defined in Section 4.3, before granting a special permit under this Section the applicant shall submit the information required under Sections 4.1 or 4.3 and the Board of Selectmen shall find that the proposed USE complies with the requirements of Sections 4.1.8.1 and 4.1.9, and 4.3.8 through 4.3.10 respectively.

or take any other action relative thereto.

SUMMARY

The Zoning Bylaw currently allows municipal uses in all zoning districts. However, municipal use is defined as the use of land, buildings and structures only by the Town of Acton and the Water Supply District of Acton, and does not contemplate such use by other municipalities outside of Acton. Two abutting towns currently use land, buildings and structures in Acton: The Town of Concord uses Nagog Pond with associated dams, pump houses and water pipes. The Town of Maynard operates a sewage treatment plant which is partly located in Acton. This article, if adopted, will allow the public use of land by other towns and local public agencies in all district by special permit from the Board of Selectmen. Specifically, this article will authorize the Board of Selectmen to grant a special permit to the Town of Concord to construct a water purification plant in a residential district near Nagog Pond. The Town of Concord is under obligations to construct a purification plant in the near future, which is the reason why this article is presented at this time.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

ARTICLE HH* ACCEPT MGL 40, Section 147A
(Majority Vote Required)

To see if the Town will vote to accept Mass. General Law, C. 40, s. 147A to allow the Town to withdraw from the Middlesex County Dog Fund, or take any other action relative thereto.

SUMMARY

The Town has issued 1170 dog licenses since January 1, 1994 amounting to \$6454.00 of revenue for dog licenses. Of that 6,454.00, the Town received \$2019.50 in fees and the County received \$4434.50. Historically, the Middlesex County Dog Fund was used for reimbursement to livestock owners for damage done by dogs; this protection is no longer important in our community. If the Town accepts this article, all of the money collected in Dog License Fees would remain in the Town. We are paying Middlesex County for administrative costs and livestock protection that is no longer appropriate for our community.

If this article fails, we would move to take no action on the following article.

Direct inquiries to: Catherine Belbin, Town Clerk - 264-9615
Selectman Assigned:

(S)
(F)

ARTICLE II* AMEND TOWN BYLAW - CHAPTER E
(Majority Vote Required)

To see if the Town will vote to amend Chapter E (General Public Regulations) Sections E22 of the Town entitled Dog Licenses/Animal Control by changing the fee structure as follows:

E22. No person shall own or keep a dog, six months or older, within the Town unless a license for such dog is obtained from the Town Clerk. The license period is the time frame between January 1st and the following December 31st inclusive. The fee for such a license shall be as follows:

Male Dog/Female Dog:	\$15.00
Spayed/Neutered Dog:	\$10.00
Kennel-1 (4 dogs or less)	26.00
Kennel-2 (5 to 10 dogs)	51.00
Kennel-3 (over 10 dogs)	76.00

E23. Any person who is the owner or keeper of a dog in the Town of Acton and who fails to license said dog within the time required by Chapter 140, Section 137 and 137A of the General Laws shall be subject to a penalty of twenty-five dollars (\$25.00) to be collected as provided by law.

E24. No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others.

E25. Owners or keepers of animals in violation of the foregoing section shall be subject to fines which shall be determined by the Board of Selectmen.

SUMMARY

This article would allow the fees of dogs licenses to increase but would keep the existing animal control bylaw in effect.

Direct inquiries to: Catherine Belbin, Town Clerk - 264-9634
Selectman Assigned:

(S)
(F)

ARTICLE JJ- AMEND LOCAL HISTORIC DISTRICT BYLAW
(Majority Vote Required)

To see if the Town will vote to approve amendments to the Town of Acton Bylaws, Chapter P - Local Historic District Bylaw, as follows:

SUMMARY

Amend Section 2., Definitional by adding the underlined words to the definition of STRUCTURE and deleting the words shown struck out:

2. DEFINITIONS

STRUCTURE: A combination of materials other than a BUILDING, including but not limited to a SIGN, fence, wall, terrace walk or driveway or paved parking lots.

Amend Section 7., Procedures for Review of Applications by the addition of the following new paragraph:

7.14 Nothing contained in this By-Law shall be deemed to preclude any person contemplating construction or alteration of a BUILDING or STRUCTURE within a DISTRICT from consulting informally with the COMMISSION before submitting any application referred to in this By-Law. Nothing contained in this By-Law shall be deemed to preclude the COMMISSION from offering informal advice to a potential applicant prior to receiving an application. However, any such preliminary advice offered by the COMMISSION shall not be deemed to set a precedent nor in any way limit the COMMISSION in the exercise of its functions under this By-Law.

Amend Section 8, by the addition of the following language at the end of existing Section 8.2:

The COMMISSION may in appropriate cases impose reasonable requirements for the general design, location and material of portions of septic systems placed substantially above the pre-existing or new septic system grade level, however, such requirements shall not conflict with the requirements of the Acton Board of Health nor make such septic system inefficient.

Amend Section 9., Exclusions by the addition of the following new underlined language and delete the strikeout text as follows:

9. EXCLUSIONS Terraces, walks, driveways, sidewalks, and similar STRUCTURES, provided that any such STRUCTURE is substantially at grade level public ways and other similar features, provided only that such feature is substantially at the existing grade level.

Direct inquiries to:
Selectman Assigned:

(S) Recommendation Deferred
(F)

NOTE: Needs to be updated and send to Town Counsel for clarification of outstanding issues per BOS 2/22/94.

ARTICLE KK* REMOVE POLICE CHIEF POSITION FROM CIVIL SERVICE

To see if the Town will vote to authorize the Town Manager to take the appropriate steps to remove the Police Chief's position from Civil Service status, or take any other action relative thereto.

SUMMARY

NOTE: NEEDS SUMMARY

Direct inquiries to:
Selectman Assigned:

(S) Recommended
(F)

ARTICLE LL AFFORDABLE HOUSING- ADAMS STREET

To see if the Town will vote to

NOTE: Waiting for wording

SUMMARY

Direct inquiries to:
Selectman Assigned:

(S)
(F)

ARTICLE MM#FORMATION OF MUNICIPAL POWER ORGANIZATION

To see if the Town will vote to appoint a committee to pursue a formal study of the feasibility and process of formation of a municipal power organization, either independently operated within the town or as a jointly operated organization with one of Acton's neighboring towns. This committee shall not have fewer than 5 nor greater than 11 members who shall all be registered voters in the Town of Acton. The members of this study committee shall be appointed by the Town Moderator to represent a cross section of residents and business owners, and shall perform their work without financial remuneration or subsidy from either the Town of Acton or any individual or business. This committee shall provide a report of their deliberations and investigations at the 1995 Annual Town Meeting including either (1) the preparation and presentation of an outline of a proposed conversion plan, or (2) a recommendation to abandon the conversion process.

SUMMARY

The electric power service by Boston Edison to the residents and businesses of the Town of Acton, Massachusetts has been marked by a history of poor customer service, unavailability of industrial power capacity, and extensive outage problems, in particular in the extremities of Boston Edison's service area in West Acton and Nagog Woods. Recently, an ad hoc committee was formed to review the problems with the result of marginal reduction of service outages. During this time local electricity power rates have risen to among the highest in the country. This warrant article authorizes appointment of a formal committee to investigate the options available for formation of a municipal Power form of electric energy provider in Acton.

*Submitted by Citizen Petition

(S) Recommendation Deferred

(F)

ARTICLE NN SCHOOL TEACHERS' EARLY RETIREMENT

To see if the Town will vote to accept the provisions of Section 83 of Chapter 71 of the Acts of 1993, as amended, know as the "Educational Reform Act of 1993", to provide for an Early Retirement Incentive Program for the members of the Massachusetts Teacher's Retirement System employed by the Acton Public Schools, with said program to include a maximum of five-year additional credit for age, service, or a combination thereof and a limit of _____ on the number of eligible employees.

SUMMARY

NOTE: School to provide summary and \$ amount

Direct inquiries to:
Selectman Assigned:

(S) Recommendation Deferred
(F)

**ARTICLE OO Traffic Signals at Route 62 and High Street
(Majority Vote Required)**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$48,000, or any other sum, to be expended by the Town Manager for the installation of traffic signal equipment at the intersection of Powder Mill Road (Route 62) and High Street, or take any other action relative thereto.

SUMMARY

Signals are warranted at this location based on vehicular volume. Funds for the design of these signals were contributed by Digital Equipment Corporation. The Town widened the approaches to the intersection several years ago as part of a Chapter 90 repaving project on Route 62. These funds are for the installation of signal equipment to complete the project.

Direct inquiries to: David F. Abbt, Engineering Admin.- 264-9628.
Selectman Assigned:

(S)
(F)

**ARTICLE PP Summer Assistant - Engineering Department
(Majority Vote Required)**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$3,950, or any other sum, to be expended by the Town Manager for hiring a student intern to assist the Engineering Department, or take any other action relative thereto.

SUMMARY

These funds will allow the Engineering Department to hire a student intern on a contract basis for a maximum period of ten (10) weeks in FY'95, primarily during the summer. The focus of the intern's work will be inputting atlas data on the department's AutoCAD computer system. Preference is usually given to an Acton resident enrolled in a civil engineering curriculum.

Direct inquiries to: David F. Abbt, Engineering Admin. - 264-9628.
Selectman Assigned:

(S)
(F)

ARTICLE QQ Engineering Department Software
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$3,500, or any other sum, to be expended by the Town Manager for the purchase of civil engineering software for the Engineering Department, or take any other action relative thereto.

SUMMARY

The purchase of a digital terrain modeling (DTM) software package and a hydrology software package will enhance the Engineering Department's existing software library. The DTM package provides the capability to generate and manipulate topographical data for construction of public works projects. the hydrology package is used to calculate storm flows and design culverts or drainage systems. This software represents a significant increase in the efficiency and potential output for the Engineering Department.

Direct inquiries to: Dennis Ring, Engineering Assistant, 264-9628.
Selectman Assigned:

(S)
(F)

**ARTICLE RR Engineering Department Van Replacement
(Majority Vote Required)**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$18,000, or any other sum, to be expended by the Town Manager for the purchase of a van for the Engineering Department, or take any other action relative thereto.

SUMMARY

The current vehicle used by the Engineering Department is a 1979 Ford Econoline van. The scheduled replacement date was 1989 (10 years of service), but this vehicle was kept in service an additional 5 years due to budget constraints. The current vehicle will no longer pass Massachusetts inspection due to severe body rot and emissions (oil consumption). Although the mileage is moderate (39,850 miles), this is almost entirely around Town driving and/or short trips. The clutch is in poor condition, the transmission is worn and the piston rings and rear crank shaft are leaking. The replacement van will be a similar size window van with an automatic transmission. The Engineering Department uses this vehicle to transport survey tools and equipment to the various job sites around town.

Direct inquiries to: David F. Abbt, Engineering Admin.- 264-9628.
Selectman Assigned:

(S)
(F)

ARTICLE SS 4 X 2 GVW PICKUP 3/4 TON
(Majority Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$18,000.00, or any other sum, to be expended by the Town Manager for the purchase of a 3/4 Ton Pickup for the Highway Department, or take any other action relative thereto.

SUMMARY

This article funds the replacement of the 1979 3/4 Ton Pickup used by the Highway Department. It has extreme visible signs of rust and has already been completely repaired and repainted once. The transmission has been replaced many times and has over 108,000 miles on it. This truck is a primary work truck on the Highway Department for the Sign Department. It is used for installing signs around Town, etc. This truck is in great need of replacement.

Direct inquiries to: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned:

(S) Recommended
(F)

ARTICLE TT 4 X 4 ONE TON DUMP TRUCK
(Majority Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$25,000.00, or any other sum, to be expended by the Town Manager for the purchase of a 4 X 4 One Ton Dump Truck for the Highway Department, or take any other action relative thereto.

SUMMARY

This article funds the replacement of the 1985 Chevrolet One Ton Dump Truck used by the Highway Department. This truck uses 3 to 4 quarts of oil per week and is in need of a complete overhaul. The cab has excessive body rot. The cab corners at lower door are completely rotted out. The doors are showing signs of rot and the sides of the body are also rotting out. The main hydraulic pump on the dump body needs replacement. The floor has been replaced once before. The front end differential is very worn, as well as the axles and U-joints. The transmission and transfer case that were rebuilt in 1990, will require rebuilding in the near future. In addition, the plow frame requires replacement. This truck has 90,000 miles of service and is used for plowing and sanding and all phases of Highway work.

Direct inquiries to: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned:

(S) Recommended
(F)

ENTERPRISE FUND

ARTICLE UU 10-WHEEL TRACTOR (Majority Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$55,000.00, or any other sum, to be expended by the Town Manager for the purchase of a 10-Wheel Tractor for the Highway Department, or take any other action relative thereto.

SUMMARY

This article funds the replacement of the 1986 10-Wheel Tractor used by the Highway Department. This 10-Wheel Tractor is becoming unreliable because of its age. The rear ends are becoming worn and need to be rebushed or replaced. This truck will require a brake job including new drums and shoes due to the high mileage. The fifth wheel needs to be replaced or repaired. This truck has 300,000 miles use and is primarily used for hauling trash to Andover, hauling loam, snow, gravel and equipment for the Town departments.

Direct inquiries to: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned:

(S) Recommended
(F)

ARTICLE VV ONE FRONT END WHEEL LOADER
(Majority Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$95,000.00, or any other sum, to be expended buy the Town Manager for the purchase of a Front End Wheel Loader for the Highway Department, or take any other action relative thereto.

SUMMARY

This article funds the replacement of a 1983 Front End Wheel Loader. This machine is beginning to show a lot of wear. The center pivot pins are very loose. All pins and bushings on loader frame are badly worn. The main hydraulic pump is showing signs of weakness. This loader will not lift to maximum capacity. Transmission is operational, however the housing was damaged and has been welded and apoxyed. The damage was caused when a broken drive shaft punched a hole into the housing. The transmission may have to be replaced at any time. This is a very expensive repair. The cab is showing visible signs of rusting out.

This machine is in dire need of replacement.

Direct inquiries to: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned:

(S) Recommended
(F)

ARTICLE WW PAVEMENT PROGRAM
(Majority Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$331,800.00 or any other sum, to be expended by the Town Manager for the Pavement Program.

SUMMARY

The Paving Program was cut out of the Highway Budget about three years ago. This money would restore some of the program that was cut. These funds are also used to repair catch basins and manholes and to grind road surfaces to grade in preparation for paving. At this time there are no Chapter 90 funds available from the State.

Direct inquiries to: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned:

(S) Recommended
(F)

**ARTICLE XX Replace Nursing Service Vehicle
(Majority Vote Required)**

To see if the Town will raise and appropriate from the fund balance of the Nursing Enterprise Fund, the sum of \$12,500 or any other sum to be expended by the Town Manager for the purchase of a replacement vehicle for the Nursing Service, or take any other action relative thereto.

SUMMARY

The Nursing Department currently uses one of the cars from the Town fleet. The car is used daily by the community health nurse for home visits, for transportation to clinics, and for group day care inspections. There are approximately 32,000 miles on the car, and it is in relatively good condition.

Since the Town fleet cars are in need of replacement, it makes sense to purchase a new vehicle using the Nursing enterprise fund balance. The car currently used will be returned to the fleet. The new car will be used by the Nursing Service.

The cost of the new mid-size car is approximately \$12,500. It will have an estimated life expectancy of 8 to 10 years

Direct inquiries to: Mary Ellen Mayo, Nursing Admin. - 264-9653
Selectman Assigned:

(S)
(F)

ARTICLE YY RENOVATION AND INSTALLATION OF DISPATCH CONSOLE
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$60,000.00, or any other sum, for the purpose of renovating and installing a new dispatch console at the Police Department, or take any other action relative thereto.

SUMMARY

These funds are needed to purchase and install an updated console in the police dispatch center in order to accommodate the new Enhanced 911 dispatch terminals and consolidate the other computer systems and monitoring equipment already in place. The police department dispatch center is using a console and related equipment that were purchased about 20 years ago. The electronic equipment that has been added over the years has outgrown the space allotted to it and the placement is no longer efficient for the operation in general. The current equipment is placed in available space around the dispatch area and does not allow for constant view of cell check monitors or alarm monitoring functions. Communication capabilities with other town agencies are not effective and need to be upgraded.

It is expected that the E-911 program will be installed throughout the state within the fiscal 95 year. The new console would allow space for two dispatch positions with all equipment directly in front of the dispatcher. Radio, alarm monitoring equipment, and other electronic equipment purchased would also be upgraded and consolidated into the console. The immediate benefit will be that the dispatchers will have direct access to all systems and will be able to communicate via radio with other services, both within the town and with outside police departments. Other long term benefits include the ability to improve the emergency management capabilities of the department and better communications in the event of a large scale disaster. The second answering position will enable us to put a second dispatcher at the console for handling big emergency situations or special events which require more manpower in the dispatch area. The new console equipment will still be useful should the town decide to consolidate public safety dispatch services at some point in the future.

Direct inquiries to: Lt. Frank Widmayer at 264-9638.
Selectman Assigned:

(S)
(F)

ARTICLE ZZ Mobil Data Terminals (a)
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$8,000.00, or any other sum, for the purpose of two mobile data terminals for the Police Department, or take any other action relative thereto.

SUMMARY

These funds are needed to purchase and install one mobile data terminal in each of two police cruisers. These terminals were developed by a local company with our cooperation as a beta-test site. They are now being actively used by 13 police departments in Massachusetts and several other states. Two of these terminals have been in use in Acton and have proven to be effective tools for use primarily in traffic enforcement. Many departments have found that after installing these MDT's that there is a significant increase in the ability to detect unregistered and uninsured vehicles and operators with suspended or revoked licenses. One of the goals for traffic enforcement is to remove these vehicles and/or operators from the road and therefore increase safety for the citizens, lessen insurance claims, and to decrease the number of hit & run accidents by operators who do not wish to be identified after an accident.

The terminals allow access via secure radio communications directly from the Department of Public Safety and the Registry of Motor Vehicles to a police cruiser on patrol. There is also access to our dispatch operations and our in-house VAX Computer System. Some of the other benefits will be the ability to use voiceless dispatching to ensure confidentiality for police communications and to ensure the privacy of the citizens who require a police response to their homes. Secure communications add to officer safety by allowing officers to retain the element of surprise when responding to calls. Soon officers will be able to type their required reports while in the patrol vehicle and transmit it directly to the station via radio link. That will keep the officers on patrol a greater percentage of their time resulting in a more efficient use of police resources.

This project is being phased in incrementally in order to keep costs down. The eventual goal will be to have 10 of these terminals (one in every police vehicle).

Direct inquiries to: Lt. Frank Widmayer at 264-9638.
Selectman Assigned:

(S)
(F)

**ARTICLE AAA Mobil Data Terminals (b)
(Majority Vote Required)**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$8,000.00, or any other sum, for the purpose of two mobile data terminals for the Police Department, or take any other action relative thereto.

SUMMARY

These funds are needed to purchase and install one mobile data terminal in each of two police cruisers. These terminals were developed by a local company with our cooperation as a beta-test site. They are now being actively used by 13 police departments in Massachusetts and several other states. Two of these terminals have been in use in Acton and have proven to be effective tools for use primarily in traffic enforcement. Many departments have found that after installing these MDT's that there is a significant increase in the ability to detect unregistered and uninsured vehicles and operators with suspended or revoked licenses. One of the goals for traffic enforcement is to remove these vehicles and/or operators from the road and therefore increase safety for the citizens, lessen insurance claims, and to decrease the number of hit & run accidents by operators who do not wish to be identified after an accident.

The terminals allow access via secure radio communications directly from the Department of Public Safety and the Registry of Motor Vehicles to a police cruiser on patrol. There is also access to our dispatch operations and our in-house VAX Computer System. Some of the other benefits will be the ability to use voiceless dispatching to ensure confidentiality for police communications and to ensure the privacy of the citizens who require a police response to their homes. Secure communications add to officer safety by allowing officers to retain the element of surprise when responding to calls. Soon officers will be able to type their required reports while in the patrol vehicle and transmit it directly to the station via radio link. That will keep the officers on patrol a greater percentage of their time resulting in a more efficient use of police resources.

This project is being phased in incrementally in order to keep costs down. The eventual goal will be to have 10 of these terminals (one in every police vehicle).

Direct inquiries to: Lt. Frank Widmayer at 264-9638.
Selectman Assigned:

(S)
(F)

ARTICLE BBB Mobil Data Terminals (c)
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$16,000.00, or any other sum, for the purpose of four mobile data terminals for the Police Department, or take any other action relative thereto.

SUMMARY

These funds are needed to purchase and install one mobile data terminal in each of four police cruisers. These terminals were developed by a local company with our cooperation as a beta-test site. They are now being actively used by 13 police departments in Massachusetts and several other states. Two of these terminals have been in use in Acton and have proven to be effective tools for use primarily in traffic enforcement. Many departments have found that after installing these MDT's that there is a significant increase in the ability to detect unregistered and uninsured vehicles and operators with suspended or revoked licenses. One of the goals for traffic enforcement is to remove these vehicles and/or operators from the road and therefore increase safety for the citizens, lessen insurance claims, and to decrease the number of hit & run accidents by operators who do not wish to be identified after an accident.

The terminals allow access via secure radio communications directly from the Department of Public Safety and the Registry of Motor Vehicles to a police cruiser on patrol. There is also access to our dispatch operations and our in-house VAX Computer System. Some of the other benefits will be the ability to use voiceless dispatching to ensure confidentiality for police communications and to ensure the privacy of the citizens who require a police response to their homes. Secure communications add to officer safety by allowing officers to retain the element of surprise when responding to calls. Soon officers will be able to type their required reports while in the patrol vehicle and transmit it directly to the station via radio link. That will keep the officers on patrol a greater percentage of their time resulting in a more efficient use of police resources.

This project was phased in incrementally in order to keep costs down. This final purchase will realize our goal of having 10 of these terminals (one in every police vehicle).

Direct inquiries to: Lt. Frank Widmayer at 264-9638.
Selectman Assigned:

(S)
(F)

ARTICLE CCC Ladder Truck Replacement

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$450,000, or any other sum, to be expended by the Town Manager to purchase and equip an Aerial Ladder Truck for the Fire Department, or take any other action relative thereto.

SUMMARY

The above request would purchase and equip an Aerial Ladder Truck. Currently the Town is leasing a demonstrator ladder truck on an emergency basis to take the place of a 1965 ladder truck which was placed out of service last fall due to major structural problems with the aerial ladder. Replacement of the ladder truck has been requested for the past several years due to increased age, mechanical problems, deterioration and decreased safety and reliability. This appropriation would authorize the purchase of the present leased unit providing a substantial cost savings to the Town for this vital piece of fire apparatus.

Direct inquires to: Chief Craig, 264-9645
Selectman Assigned:

(S)
(F)

**ARTICLE DDDCommand Vehicle
(Majority Vote Required)**

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$15,000, or any other sum, to be expended by the Town Manager to purchase and equip a Command Vehicle for the Fire Department, or take any other action relative thereto.

SUMMARY

The above request would provide additional funding to allow for the purchase and equipping of an all-wheel drive enclosed Command Vehicle such as a Ford Explorer, Ford Bronco, Chevrolet Blazer or Chevrolet Suburban. This type of vehicle has been requested previously. Due to the override failure and subsequent funding of only a B-Budget in FY 1994, a reduced appropriation was approved which only provide enough funding to purchase a standard 2-wheel drive cruiser-type vehicle. Due to extenuating financial and purchasing uncertainties last fall, such a vehicle was unable to be purchased. Therefore, this additional funding has been requested to restore adequate funding to purchase an all-wheel drive enclosed vehicle. This unit would provide greater durability, off-road capabilities, and superior performance under adverse climatic conditions such as heavy snow storms, ice conditions, etc.

Direct inquires to: Chief Craig, 264-9645
Selectman Assigned:

(S)
(F)

ARTICLE EEE Fire Alarm Equipment

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$15,000, or any other sum, to be expended by the Town Manager for the purchase and installation of Fire Alarm Equipment for the Fire Department, or to take any other action relative thereto.

SUMMARY

This article requests funding to replace fire alarm circuit panels in two fire stations. The circuit panel in the third fire station was recently replaced on an emergency basis when it failed unexpectedly. The equipment to be replaced is approximately 30 years old, is unreliable and unable to be repaired due to the unavailability of parts. Should one of these panels fail at any time, alarms from fire alarm boxes in that portion of Town would not be received at the fire alarm dispatch office, creating an extremely serious situation for residents as well as business owners.

Direct inquires to: Chief Craig, 264-9645
Selectman Assigned:

(S)
(F)

ARTICLE FFF(a) (Please note priority.) EXHAUST EVACUATION SYSTEM

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$3,300, or any other sum, to be expended by the Town Manager for the purchase and installation of an Exhaust Evacuation System for the Fire Department, or take any other action relative thereto.

SUMMARY

This article requests funding to purchase and install an exhaust evacuation system for the apparatus room of the West Acton Fire Station. The system would consist of a large ventilation fan connected with appropriate controls and timing devices. The system is necessary for the safety of Fire Department personnel to remove harmful diesel fumes which remain throughout the station as the apparatus exits and returns.

Direct inquires to: Chief Craig, 264-9645
Selectman Assigned:

(S)
(F)

ARTICLE GGG(b) (Please note priority.) Exhaust Evacuation System

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$3,300, or any other sum, to be expended by the Town Manager for the purchase and installation of an Exhaust Evacuation System for the Fire Department, or take any other action relative thereto.

SUMMARY

This article requests funding to purchase and install an exhaust evacuation system for the apparatus room of the Acton Center Fire Station. The system would consist of a large ventilation fan connected with appropriate controls and timing devices. The system is necessary for the safety of Fire Department personnel to remove harmful diesel fumes which remain throughout the station as the apparatus exits and returns.

Direct inquires to: Chief Craig, 264-9645
Selectman Assigned:

(S)
(F)

ARTICLE HHH(c) (Please note priority.) EXHAUST EVACUATION SYSTEM

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$3,300, or any other sum, to be expended by the Town Manager for the purchase and installation of an Exhaust Evacuation System for the Fire Department, or take any other action relative thereto.

SUMMARY

This article requests funding to purchase and install an exhaust evacuation system for the apparatus room of the South Acton Fire Station. The system would consist of a large ventilation fan connected with appropriate controls and timing devices. The system is necessary for the safety of Fire Department personnel to remove harmful diesel fumes which remain throughout the station as the apparatus exits and returns.

Direct inquires to: Chief Craig, 264-9645
Selectman Assigned:

(S)

(F)

ARTICLE III STAFFING RESTORATION
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$30,339 for one FTE at the Memorial Library, or take any other action relative thereto.

SUMMARY

The Memorial Library requests \$30,339 to restore the one FTE to the library staff. As a result of the override failure in April 1993, the library staff was reduced by one FTE and the number of hours the library is open was decreased. Restoring this amount to the library's personnel budget will add five hours to the library schedule each week. Restoration of this salary money will not change any employee's benefit status.

Direct inquiries to: Wanda Null, Library Dir. - 264-9641
Selectman Assigned:

(S)
(F)

ARTICLE JJJ RESTORE FRIDAY LIBRARY HOURS
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$27,000 for salaries at the Memorial Library, or take any other action relative thereto.

SUMMARY

The Memorial Library requests \$27,000 to restore Friday hours, September through June, to the Memorial Library's schedule. In FY91, a result of lost State Aid to the Town the library budget was reduced and the library closed on Fridays from September through June. This request will add hours to the Circulation staff schedule and reopen the library on Fridays. Restoration of this salary money will permit hiring additional part-time staff working less than 20 hours per week. No employee's benefit status will change as a result of this additional money being voted into the library's salary account.

Direct inquiries to: Wanda Null, Library Dir. - 264-9641
Selectman Assigned:

(S)
(F)

ARTICLE KKKLIBRARY EXPANSION STUDY
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$15,000, or any other amount, for an expansion feasibility study, or take any other action relative thereto.

SUMMARY

The addition to the Memorial Library was completed in 1967, designed to hold 40,000 books and serve a community of 12,000. Currently the library owns 62,000 books and 5,000 non-book items. For the citizens to have full access to its resources space is needed for programs, shelving of materials, work space for the staff and space for patrons to work.

Residents of Acton have always heavily used this public library and it has outgrown its space. Expanding the library will serve the long-term needs of the entire community. The purpose of this study is to identify the future space needs of the library and the options for expansion.

Direct inquiries to: Wanda Null, Library Dir. - 264-9641
Selectman Assigned:

(S)
(F)

ARTICLE LLL REPLACE CIRCULATION DESK
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$9,000 for replacement of the Circulation Desk, or take any other action relative thereto.

SUMMARY

Full cost of the replacement of the circulation desk is estimated to be \$12,000. Friends of the Acton Libraries have contributed \$3,000 towards the project. The goal is to replace the existing desk with 10 modular units, permitting expansion into the lobby and increasing space for patrons in front of the desk. The existing Circulation Desk is comprised of the 1965 version of the Circulation Desk, a side storage counter and parts of another desk. All components have been modified by cutting them apart and reassembling them several times. There is no capability for wire management and the storage space under the desk is inaccessible. The existing desk has no flexibility to meet the library's changing needs and does not satisfy American Disabilities Act requirements.

Direct inquiries to: Wanda Null, Library Dir. - 264-9641
Selectman Assigned:

(S)
(F)

ARTICLE MMMPURCHASE HEALTH DEPARTMENT COMPUTER
(Majority Vote Required)

To see if the Town will raise and appropriate \$15,000, or any other sum, from the fund balance of the Septage Enterprise Fund to be expended by the Town Manager for the purchase of computer hardware and software programming to support septage related activities, or take any other action relative thereto.

SUMMARY

The Health Department is in the process of upgrading its computer capacity in relationship to septage related issues. Plans for this fiscal year are to network off an existing P.C. to allow greater access to septage related data. The proposed software will consist of a computerization of all Health regulations which will allow easy access and citation of probable and potential violations. This purchase will be paid from the fund balance of the Septage Enterprise Fund.

Direct inquiries to: Doug Halley, Dir. of Health - 264-9634
Selectman Assigned:

(S)
(F)

ARTICLE NNNREPLACE HEALTH DEPARTMENT VEHICLES
(Majority Vote Required)

To see if the Town will raise and appropriate from the fund balance of the Septage Enterprise Fund, the sum of \$25,000 or any other sum, to be expended by the Town Manager for the purchase of two (2) inspection replacement vehicles for septage related purposes, or take any other action relative thereto.

SUMMARY

The Health Department currently uses two (2) 1986 Cavaliers for inspection duties related to septic systems. Three (3) Health employees currently utilize these vehicles and four (4) will use them in the next fiscal year. Both vehicles have between 50,000 & 60,000 miles and have advanced rusting. Maintenance cost is increasing as well as the down time of each vehicle. The purchase of these vehicles will be paid from the fund balance of the Septage Enterprise Fund.

Direct inquiries to: Doug Halley, Dir. of Health - 264-9634
Selectman Assigned:

(S)
(F)

ARTICLE QQQ MEMORIAL LIBRARY HVAC UPGRADE
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$10,000, or any other sum, to be expended by the Town Manager to upgrade the Heating, Ventilating, and Air Conditioning (HVAC) System at the Acton Memorial Library, or take any other action relative thereto.

SUMMARY

This article will provide for the upgrading of the existing HVAC system at the Memorial Library. Some of the controls, valves, pumps, and damper motors in the existing system are original equipment from when the new wing was added over 25 years ago. A number of these pieces of equipment either do not work reliably, or are totally non-functioning. Many settings have to be adjusted manually on a daily basis, which is very time consuming and energy inefficient.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.- 264-9629
Selectman Assigned:

(S)
(F)

ARTICLE PPP REPLACE DUMP TRUCK
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$35,000, or any other sum, to be expended by the Town Manager for the purchase of a dump truck, or take any other action relative thereto.

SUMMARY

This article will provide for a replacement to the existing 1979 Ford F-700 dump truck, which is used for towing the brush chipper and mowing trailer, hauling logs, snow plowing, and other heavy work of the Municipal Properties Department. The present unit has fairly low milage (53,000 miles) but is structurally in very poor shape due to rust. The truck body was first built around 1955, and has been transferred from truck to truck over the years; this article would replace the cab, chassis, body, and related equipment.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.-264-9629
Selectman Assigned:

(S)
(F)

**ARTICLE 000 PURCHASE HEALTH DEPARTMENT MICROFICHE
EQUIPMENT**

(Majority Vote Required)

To see if the Town will raise and appropriate from the fund balance of the septage enterprise fund, the sum of \$10,000, or any other sum, to be expended by the Town Manager for the purchase of a microfiche reader and printer, and accompanying software to support septage related activities, or take any other action relative thereto.

SUMMARY

The Health Department is presently in the process of converting its septic related plans to a microfiche base. This will allow for the completion of that program. In addition the Health Department would purchase a microfiche printer to allow the quick and easy conversion of microfiche materials to real scale, hard copies. This purchase will be paid from the fund balance of the Septage Enterprise Fund.

Direct inquiries to: Doug Halley, Dir. of Health - 264-9634
Selectman Assigned:

(S)
(F)

ARTICLE RRR POLICE STATION GARAGE ROOF REPAIRS
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$10,000, or any other sum, to be expended by the Town Manager to make extraordinary repairs to the roof of the Police Station Garage, or take any other action relative thereto.

SUMMARY

This article will provide for the reconstruction of the roof over the 3-bay garage portion of the Police Station. This roof has been plagued by problems for the last fifteen or twenty years, and the repairs made in the early 1980's are now starting to fail. Several solutions are under consideration, but the final result will be a reliable roof that should be free from leaks for the next twenty years.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.- 264-9629
Selectman Assigned:

(S)
(F)

ARTICLE SSS ICE HOUSE POND
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$80,000, or any other sum, to be expended by the Town Manager for dredging, a control structure, and related work, at Ice House Pond, an impoundment of Nashoba Brook at Concord Road, and to apply for and expend any applicable State or Federal grants for such work, or take any other action relative thereto.

SUMMARY

This article will provide funds to deepen Ice House Pond, and to either design and build or upgrade the existing control structure (dam) that regulates the depth of water in the pond.

Ice House Pond was purchased by the Town in 1979, to be used for recreational purposes. Over the years the pond, which is quite shallow, has become infested with Water Chestnut, an exotic plant, which makes the pond useless for recreation during the warm part of the year, and will eventually even eliminate ice skating. This plant can be controlled through deepening the pond, and from periodically dewatering the pond to kill off any Water Chestnut that regrows. Having a reliable control structure will also allow the Town to draw down the pond at times of high water to mitigate flood hazards.

Several State and Federal grants have been applied for to assist in this project, and the Town has been verbally advised that the Federal Emergency Management Agency (FEMA) will provide up to \$40,000 for this project. FEMA has also prepared a draft Environmental Assessment Report approving this project, and Town Staff has prepared an exhaustive study of the pond, which is available to viewing at the Municipal Properties office.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.- 264-9629
Selectman Assigned:

(S)
(F)

ARTICLE TTT ADDITIONAL STAFFING IN PLANNING DEPARTMENT

To see if the Town of Acton will vote to raise and appropriate, or appropriate from available funds, \$24,000.00, or any other sum, for salary and related costs for one half new assistant planner position in the Planning Department, or take any other action relative thereto.

SUMMARY

The Planning Department staff has been cut back over the past several years from 1 town planner, 2 assistant planners, and 1 secretary (4 persons total) in 1990 to 1 town planner, 1/2 assistant planner and 1/2 secretary (2 persons total) today. This article will restore 1/2 assistant planner to the Planning Department. The significant increase in development activity requires additional staff time for plan reviews and permit and subdivision administration. Without increased staffing, the Planning Department will not be able to provide adequate support to the Planning Board in reviewing new development, and at the same time maintain long term planning efforts in the context of the Master Plan, such as the village plans, the Kelley's Corner plan and regular Master Plan updates.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)
(P)

ARTICLE UUU -IMPACT FEE BYLAW

To see if the Town of Acton will vote to raise and appropriate, or appropriate from available funds, \$10,000.00, or any other sum, to be expended by the Town Manager for the purpose of developing and drafting an Impact Fee Bylaw, including any legal and planning consultant fees and other costs related thereto, or take any other action relative thereto.

SUMMARY

Impact fees are fees assessed by the Town to new development for public infrastructure improvements necessitated by such new development. In order to raise impact fees, the Town must identify improvements necessary to accommodate projected growth and development, and adopt an impact fee bylaw which assesses the costs for the improvements in a fair and rational manner. In the Master Plan, completed in 1991, the Town has largely identified the required new infrastructure, worth millions of dollars, to accommodate projected development. It is also recommended in the Master Plan to adopt impact fees as appropriate and where possible. The conceptual approach and detailed language of the impact fee bylaw must stand on sound legal footing to withstand any challenges. This article will provide the funds to engage experienced legal and planning professionals to help the town in the development of an impact bylaw. Uniform state wide impact fee legislation has been a legislative priority for planners and regional planning agencies for several years. But no proposal has ever come to a vote in either the Senate or the House. The Metropolitan Area Planning Council reports that at least four of its 101 member communities (Acton is a member community) have adopted some form of impact fee bylaws or ordinances: Framingham, Medford (by Home Rule Petition), Peabody, and Waltham.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

ARTICLE VVV -KELLEY'S CORNER PLAN

To see if the Town of Acton will vote to raise and appropriate, or appropriate from available funds, \$10,000.00, or any other sum, for the purpose of preparing a development and zoning plan for all land, buildings, streets and ways within and adjacent to the Kelley's Corner Zoning District, including any design and planning consultant fees and other costs related thereto, or take any other action relative thereto.

SUMMARY

The 1991 town wide Master Plan on page 23 states as follows: "Kelley's Corner is the most appropriate area in Acton to locate businesses and retail stores with regional attraction. This is due to the areas close proximity to Route 2 as well as the Town's desire to protect the character of Acton's more historic village centers, and to control further commercial strip development. The need exists to develop a plan for Kelley's Corner in order to develop solutions to current traffic and sewer problems, while ensuring the areas vitality and attractiveness as a regional business center." Kelley's Corner in this planning context means not only the intersection of Main Street with Massachusetts Avenue, but the entire business area in the intersection vicinity and shown on the Acton zoning map as the Kelley's Corner District. Significant changes in property ownership have occurred here in the last few years and several owners have signalled that they are ready for a major redevelopment effort. At the same time, well planned growth in such a prime and visible location as Kelley's Corner will be beneficial to Acton's tax base and community image. This article will provide funding for initial work on public goal setting, for design workshops, and for professional consultants as needed during this process. Expected products resulting from this effort are: concept plans and facilities for improved vehicular and pedestrian access and circulation; a framework for an appropriate amount of future growth and for zoning changes to be made accordingly; and recommendations for needed public and private infrastructure improvements to accommodate future growth including methods of financing such improvements.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S)
(F)

* Consent
Submitted By Citizen Petition

And you are directed to serve this warrant by posting attested copies thereof fourteen days at least before the time of said meeting in not less than six public places in the Town to be designated by the Board of Selectmen.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands at Acton this 2nd day of March, 1994.

F. Dore' Hunter, Chairman
Anne B. Fanton, Vice-Chairman
William C. Mullin, Clerk
Norman D. Lake
Nancy E. Tavernier
ACTON BOARD OF SELECTMEN

True Copy Attest

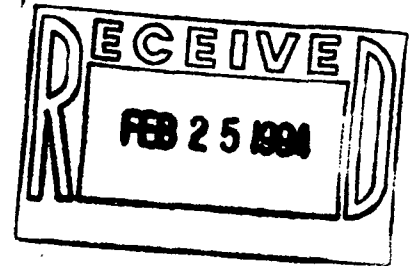
CONSTABLE

(468.w11chris)

3-1-94-(8)

February 23, 1994

Board of Selectmen
472 Main Street
Acton, Massachusetts 01720



Dear Mr. Hunter,

For the past two years, the local PTO's have invited the Superintendent of Schools to their individual , March PTO meetings to present the school budget and answer questions. This year the local PTO's, the R.J. Grey Jr. High PAC, the Blanchard School PTF, and the A-B Regional High School PTSO have worked together to plan a single date for a budget information meeting. Our goal is to bring an overview of the budget issues to a broader population than those who attend School Committee meetings. To accommodate the schedules of all the schools, the date selected is **Monday, March 28 at 7:30pm** in the High School auditorium.

Acting as a spokesman for the PTO chairmen, I would like to invite a representative from the Board of Selectmen to participate at this community gathering. Similar to our arrangement with Dr Zimmerman, we can offer you the opportunity to make a presentation related to the 1994-95 town budget followed by a question and answer period.

In order to publicize this program effectively through the various PTO newsletters and the local newspaper I will need a response as soon as possible. Please contact me at 263-6849 to respond or to answer any questions.

Sincerely,

Karen Sharp
Gates School PTO Chairman

3-1-94 - (9)

SELECTMEN'S MEETING
JANUARY 18, 1994

The Board of Selectmen held their regular meeting on Tuesday, January 18, 1994 beginning in Acton at 9:30 P.M. Present were F. Dore' Hunter, Anne Fanton, William Mullin, Nancy Tavernier, Norm Lake and Town Manager Johnson. {Representatives from cable were present}

CITIZENS' CONCERNS

None expressed

The Board of Selectmen met in Maynard with the Maynard Board from 7:00 to 8:30 and reconvened at the Acton Town Hall at 9:30 P.M.

Maynard's Chairman read Chairman Hunter's request for a meeting. Chairman Hunter provided a brief overview of the process to date, including a brief description of Acton's problems, the political process between the communities, and other alternatives for resolution of the Acton problem. Dore' also outlined 5 points of discussion if the Towns were going to agree to pursue a joint resolution.

1. 150,000 gal/day of capacity
2. Sludge removal
3. Upgrade to terrestrially treatment
4. Point of collection at Maynard Plant
5. Outflow Point. Is it necessary to move the outfall pipe
6. A.B. School system should need to be accommodated (extra capacity)

The Town of Maynard is currently not in compliance with the terms of the discharge permit because of the levels of ammonia, phosphorous and metals (lead) and sludge. The schedule currently has the final design in 1994, construction in late 1995, 1 year for construction with the Maynard capacity 1.45 million gallons/day. With a cost to Maynard of \$1.6 Million, currently rate is 1-1.2 million gallons/day.

PUBLIC HEARINGS AND APPOINTMENTS

Chairman Hunter gave a brief overview of the joint Board of Selectmen's meeting held in Maynard.

COMMON VICTUALLERS LICENSE
SZECHUAN PAVILION - 103 NAGOG SQ.

NANCY TAVERNIER - Moved to approve. NORM LAKE - Second.
UNANIMOUS VOTE

ALL ALCOHOLIC LIQUOR LICENSE TRANSFER
SZECHUAN PAVILION - 103 NAGOG SQ.

The Applicant asked the Board for approval of the Transfer of the Liquor license from Dennis Dyer, Giovanies at Nagog Sq. to W&Z Inc. d/b/a Szechuan Pavilion. The applicant presented the Board with a copy of their liquor serving policy for the file. NANCY TAVERNIER - MOVED to approve the transfer of the All Alcoholic License to Szechuan Pavilion. ANNE FANTON - Second. UNANIMOUS VOTE.

WENDY'S SITE PLAN #11/5/93-341
POWDERMILL ROAD

The continued hearing from January 4, 1994

Representatives from Wendy's stated that they would comply with all items contained in staff memos including a contribution to fund \$1,200 of the cost of cleaning the outlet pipes. Wendy's stated that they have submitted documents concerning the impact of Wendy's upon traffic congestion in the area. Wendy's has stated that they would agree with a contribution of \$8-9,000 to offset the additional traffic flows.

Bill Mullin asked again about the pedestrian traffic impacts. Wendy's stated that they took into consideration the traffic markings. Bill stated that the Town would lose real estate tax revenue and receive additional motor vehicle and pedestrian traffic. Therefore, Bill asked if Wendy's had done any additional work on pedestrian traffic in the motor vehicle queue. Bruce Campbell Associates stated that no additional work had been undertaken.

Anne said that it was not reasonable to use a percentage of the total traffic through the 62/High Streets intersection to determine Wendy's contribution because the State and towns customarily look for contributions when the need is triggered by new development even though it means that projects that come later pay the cost of improvements. Therefore, the 4-5% offered is unacceptable. Anne compared the 1960 daily trips estimated to be generated by Wendy's to the 2,360 trips generated by Digital. For Wendy's she subtracted the 25% pas-by traffic, multiplied this by .56 from the Acton area, with 10% subtracted for Sudbury Road, leaving an estimated 963.5 through High/62. The Wendy's number is 77% of the Digital number. Since Digital contributed \$30,000, one method for developing a suggested contribution would be 77% of that figure, or \$23,100.

Nancy stated that she was interested in \$15-17,000, Anne agreed that is seemed a reasonable compromise.

Dore' stated that the Board had received notification from Maynard's Planning Board that all outstanding issues had been satisfactorily resolved.

Wendy's traffic consultant had researched the Town's records and reminded the Board of contributions made by other commercial establishments and that he used peak P.M. traffic

flow. Different methodologies were discussed for deriving an appropriate improvement for determining traffic flow controls and the applicable cost factors.

Questions concerning lighting information were provided to staff today. Wendy's provided information Parking lot lights are to be shut off 5-10 minutes after staff leaves, approximately 45 minutes after closing.

Anne raised the drainage provision issue. Total lot drainage should comply with Acton's bylaws. Anne stated that Acton is receiving the flow from drainage from the portions of the lot and structures that are in Maynard. Bill stated that he did not see this as a deal breaker.

NORM LAKE - Moved to take under advisement. WILLIAM MULLIN
-Second. UNANIMOUS VOTE.

CONSENT CALENDAR

ANNE FANTON - Moved to accept the Consent Calendar as submitted. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

EAGLE SCOUT - Bill Mullin will attend on behalf of the Board.

BOARD OF HEALTH - MASTER PLAN ACTIONS - The Board discussed the MPCC actions and response prepared by Anne. NORM LAKE - Moved to sign and send the memo prepared by Anne. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

On Going Budget Discussion - Anne Fanton discussed her memo in the packet. Dore' told the Board that the Superintendent was supportive of the Town's suggestion that the Town would be invited to all school presentations and visa versa. Members of the Board discussed a two meeting budget presentation. Anne agreed to write a letter to the editor inviting the public to the February 1 presentation.

TOWN MANAGER'S CONCERNS

None discussed

The Board adjourned at 11:00 P.M.

Clerk

Date

John Murray
Acting Recording Secty.
cmjW11-(463)

JANUARY 14, 1994

TO: Board of Selectmen
FROM: F. DORE' HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

7:00 P.M. At the MAYNARD BOARD OF SELECTMEN'S OFFICE

ROOM 204 after 9:30

JANUARY 18, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. THE BOARD OF SELECTMEN WILL BE MEETING WITH THE MAYNARD BOARD OF SELECTMEN AT THE MAYNARD TOWN HALL BEGINNING AT 7:00 P.M. AT THE CONCLUSION OF THAT MEETING THE ACTON BOARD WILL RETURN TO THE ACTON TOWN HALL FOR SCHEDULED PUBLIC HEARINGS BEGINNING AT 9:30 P.M. (Directions to Maynard Town Hall attached)
- 1a. 9:25 CHAIRMAN'S MINUTE
2. 9:30 SZECHUAN PAVILION - 103 NAGOG SQ. - Enclosed please find application and staff comment regarding the application of Szechuan Pavilion for a Common Victuallers License for Board action.
3. 9:30 SZECHUAN PAVILION - 103 NAGOG SQ. - Enclosed please find application and staff comment regarding the application of Szechuan Pavilion for a the Transfer of an All Alcoholic Beverage as a Common Victuallers License from Giovanni's for Board action.
4. 9:45 WENDY'S INTERNATIONAL SITE PLAN CONTINUATION FROM 1/4/94.

III. SELECTMEN'S BUSINESS

5. BOY SCOUT COURT OF HONOR - Enclosed please find an invitation to attend the Court of Honor being given for Peter Hess on March 6, 1994 for Selectman assignment.

6. BOARD OF HEALTH / MATRIX OF MASTER PLAN ACTIONS - Enclosed please find a memo drafted by Selectman Fanton for Board review and action summarizing Board actions/discussion of January 4, 1994.
7. ON GOING BUDGET DISCUSSIONS - Enclosed please find a memo from Selectman Fanton regarding the FY95 Budget for Board discussion.

IV. CONSENT AGENDA

8. ACCEPT MINUTES - Enclosed please find minutes from December 14, 1993 for Board approval.
9. ACCEPT GIFT - Enclosed please find a request for acceptance of \$500.00 from Ed Kelly's Golf Tournament to the Commission on Disability Gift account for Board action.

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

Feb 1, 1994

Site Plan Special Permit #11/5/93-341
Wendy's International, Inc.
7-11 Powdermill Road
Plan File #3375 (Mullin)

Page 1 of 7

#####

Decision of the Board of Selectmen (hereinafter the Board) on the petition of Wendy's International, Inc. (hereinafter the Petitioner) for the property located at 7-11 Powdermill Road, Acton and 115 Powder Mill Road, Maynard, Massachusetts. Said property is shown on Acton Town Atlas Map J3, Parcels 51, 52, and partially located in Maynard.

This Decision is in response to an application submitted to the Board on November 5, 1993 by the Petitioner for a Site Plan Special Permit under Section 10.4 and a Special Use Permit for a restaurant under Section 10.3 of the Acton Zoning Bylaw (hereinafter the Bylaw) in effect on August 16, 1993 to construct a parking lot in Acton to support a restaurant located in Maynard.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted and mailed to the Petitioner, abutters and other parties in interest as required by law, the hearing was called to order on December 14, 1993 at 7:45 P.M. in the Selectmen's Hearing Room at the Acton Town Hall. The Hearing was continued at the request of the Petitioner until January 4, 1994 at 7:45 P.M. and further continued until January 18, 1994 when the public hearing was closed. Board members F. Dore Hunter, William Mullin, Anne B. Fanton, Norman D. Lake and Nancy E. Tavernier were present throughout the proceedings.

The record of the proceedings and submissions upon which this permit is based may be referred to in the Office of the Town Clerk, or the Office of the Board.

Submitted for the Board's deliberation prior to the close of the hearing were the following exhibits:

Exhibit I

A properly executed application for Site Plan Special Permit approval received November 5, 1993; Notice of Hearing; certified abutters list from the Town of Acton dated October 29, 1993; certified abutters list from the Town of Maynard dated July 8, 1993; letter to the Assabet Valley Beacon dated November 8, 1993; Interdepartmental Communication from the Town Manager to Staff requesting comments; a letter from the Board to Adams providing notification requirements dated November 8, 1993.

Exhibit II

A Booklet from the Petitioner containing (1) letter to the Board dated November 5, 1993 from Guerriere & Halnon, Inc.; (2) use description; (3) other permits; (4) reduced record plan, 81 x plan, to be recorded; (5) set of reduced plans; (6) drainage calculations, including water balance; (7) earth removal calculations; (8) traffic study.

Exhibit III

The following Interdepartmental Communications (IDC) were sent; the Town Manager to the Board dated Dec. 29, 1993; IDC from the Health Director to the Building Commissioner dated Dec. 3, 1993; IDC from the Municipal Properties Director to the Town Manager/Building Commissioner dated Nov. 12, 1993; IDC from the Town Planner to the Town Manager dated Dec. 3, 1993; IDC from the Engineering Assistant to the Town Manager dated Dec. 1, 1993; IDC from the Engineering Assistant to the Building

Site Plan Special Permit #11/5/93-341
Wendy's International, Inc.
7-11 Powdermill Road
Plan File #3375 (Mullin)

Page 2 of 7

#####

Commissioner dated Jan. 10, 1994; IDC's from the Building Commissioner to the Board dated Dec. 10, 1993, Dec. 28, 1993, and Jan. 14, 1994; letter from Adams to Rhodes dated Dec. 14, 1993; agreement on "time extension" dated Dec. 14, 1993; Town of Maynard notice of Public Hearing; letter from the Town of Maynard Planning Board to the Board dated Jan. 17, 1994; Town of Maynard Planning Board notice of Decision; letter from Town of Maynard Planning Board to Mr. Orcutt dated Nov. 29, 1993; picture of the proposed exterior pole lights; two plans showing the intensity of site lighting, using both 400w and 1000w lights.

Exhibit IV

A set of plans consisting of (1) existing site drawn by Guerriere & Halnon Inc. dated April 29, 1993, revised Oct. 20, 1993; (2) site layout and utility dated April 29, 1993, revised Oct. 20, 1993; (3) site grading dated April 29, 1993, revised Oct. 20, 1993; (4) detail sheet dated April 29, 1993, revised Oct. 20, 1993; (5) sheet 5 of 5 "landscaping" dated April 19, 1993; (6) plan of land in Maynard and Acton dated May 10, 1993, revised Aug. 27, 1993; (7) building plans cg. 3480, revised Feb. 1, 1991, sheet no. 5; (8) equipment plan w/o salad bar revised March 18, 1992, sheet no. 9-U.

Exhibit V

Set of revised plans consisting of the same drawings as Exhibit IV except revised as of Dec. 20, 1993; revised drainage calculations dated Dec. 22, 1993; letter dated Dec. 29, 1993 from Bruce Campbell & Assoc. to Wendy's; letter dated Jan. 11, 1994 from Bruce Campbell & Assoc. to Building Commissioner.

Exhibits I-V are referred to hereinafter as the Plan.

1.0 Findings and Conclusions

Based upon its review of the exhibits and records of the proceedings, the Board found and concluded that:

- 1.1 The site is located in the General Business District and Zone 3 of the Groundwater Protection District.
- 1.2 The use "Restaurant" is permitted by Special Use Permit only and not as a matter of right.
- 1.3 The water is provided by Maynard. The septic waste is discharged in Maynard. The Board has no further concerns with these issues.
- 1.4 The Petitioner provided two details for exterior site lighting. One of the details was for 1000w lighting and the second was for 400w lighting. The Board feels that it is more appropriate to use 400w lighting designed according to section 10.4.3.2 of the Bylaw. All site lighting, with the exception of minimal security lighting, should be turned off within one hour of closing.
- 1.5 The drainage from this site discharges into the Assabet River. The outfall pipe needs to be cleaned of accumulated silt. The Board recognizes that some of the silt is from Town owned catchbasins and some is from this site,

#####

therefore there should be a joint resolution to the problem.

- 1.6 The Plan does not show total compliance with the Bylaw section 4.3.6.3. Section 4.3.6.3 requires that retention ponds be lined with soil having a permeability of .0001 cm/sec. (.1417 in./hr.) or less.
- 1.7 The Plan shows continuous street pavement markings in front of #25 Powdermill Road and the proposed site. So as not to create violations of the Traffic Rules & Orders, the pavement markings should be broken in front of these addresses. To ensure that the markings have maximum life, they should be thermoplastic.
- 1.8 It has been the experience of the Town that contractors do not always build what it proposed on the plans unless the plans are properly cross referenced. All details should show LeBaron L219 gas traps to be used, including the trench drain. The plans should indicate that all pipe joints should have gaskets. The catchbasins detail should refer to note 12 on sheet 2. The slope of the pipe from the trench drain to the diverter should be shown.
- 1.9 The Town has found that gutter inlets cannot be easily maintained or cleaned, and should be discouraged. Therefore, the pipe from the outlet structure in detention/retention basin #1, which shall also have a Lebaron L219 gas and oil separator installed, should connect directly into a new catchbasin and then directly into the catchbasin across the street. The catchbasin in Powdermill should be shown on the detail sheet along with a full mortar cap.
- 1.10 The intersection of Powdermill Road and High Street does not have a traffic light. It presently operates at level F. It has been the Town's intention to install a traffic light at this location which will improve the level of service. The Town has collected in contributions from local businesses and performed work totalling approximately \$90,000 leaving an estimated \$50,000 to \$60,000 worth of work to be completed. The Wendy's site is expected to add approximately 217 additional vehicles into the intersection each day. The traffic study, prepared by Bruce Campbell & Associates, recognizes that Wendy's should contribute an appropriately fair share to complete this traffic light. The Board has looked at many different scenarios to determine what is an appropriate contribution. The Board, after much deliberation, finds that \$15,000 is an appropriate fair share.
- 1.11 The Board finds that the plans of the retaining wall do not show any guardrail. An appropriate guardrail should be added.
- 1.12 The landscaping plans have not been revised to show the corrected driveway location and should be corrected.
- 1.13 The building is going to be located in Maynard. As a rule, Site Plan Special Permit's are conditioned so that buildings are not occupied until such time as the site is completed. Where the Town does not control occupancy, a cash security should be posted to ensure compliance with approved plans.

#####

- 1.14 As previously noted, the building will be located in Maynard. The Petitioner has rights to signage as provided for in Maynard, therefore only directional signs will be allowed in Acton.
- 1.15 The plans show a utility pole located in the proposed sidewalk. The sidewalk or pole should be relocated so as to allow a full width of 5' for the sidewalk.
- 1.16 The plan as herein modified will:
 1. Protect the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
 2. Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.
 3. Provides an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.
 4. Provides adequate methods of disposal of refuse or other wastes resulting from the USES permitted on the site.
 5. Is consistent with the Master Plan.
 6. Is in harmony with the purpose and intent of this Bylaw.
 7. Will not be detrimental or injurious to the neighborhood in which it is to take place.
 8. Is appropriate for the site and complies with all applicable requirements of this Bylaw.

Therefore, the Board voted to GRANT the requested Site Plan Special Permit and Special Use Permit subject to and with the benefit of the following Plan modifications, conditions and limitations. The Board states that it would not have voted to approve the Special Use Permit if the Petitioner would not help alleviate the additional impact that its traffic has on the High Street/Powdermill Road intersection.

2.0 Plan Modifications

Prior to the issuance of a Building Permit or the start of any construction on the site, the Petitioner shall cause the Plan to be revised to show the following additional, corrected or modified information. The Building Commissioner shall not permit any construction activity to begin on the site until and unless he finds that the Plan is revised to include the following additional, corrected or modified information. Except where otherwise provided, all such information shall be subject to the approval of the Building Commissioner. Where approvals are required from persons other than the Building

#####

Commissioner, the Petitioner shall be responsible for providing a written copy of such approvals to the Building Commissioner before the Commissioner shall issue any Building Permit or permit any construction on the site. The Petitioner shall submit five copies of the final plans as approved for construction by the Building Commissioner to the Building Commissioner prior to the issuance of a Building Permit.

- 2.1 The plans shall include 400w exterior site lighting designed according to section 10.4.3.2 of the Bylaw.
- 2.2 A note shall be added indicating that the detention/retention Basin #2 shall be lined with soil having a permeability of .0001 cm/sec. (.1417 in./hr.) or less.
- 2.3 Traffic markings within the street layout shall be thermoplastic. The continuous traffic lane marking shall be broken in front of 25 Powdermill Road driveway and in front of the site driveway.
- 2.4 The gas trap for the outlet of the trench drain shall be a LeBaron L219.
- 2.5 Where storm water runoff is being treated, gasket joint pipes shall be used and so noted on the Plan.
- 2.6 The LeBaron catchbasin detail shall refer to Note 12 on Sheet 2.
- 2.7 The slope of the pipe from the proposed trench drain to the diverter DMH shall be shown.
- 2.8 The pipe from the outlet structure in detention/retention Basin #1 shall be connected directly into a new catchbasin in the street, then directly to the existing catchbasin across the street.
- 2.9 A note shall be added indicating that the new catchbasin in Powdermill Road shall be constructed according to detail on Sheet 4 of 5.
- 2.10 A detail of a guardrail needs to be added to the plans for the retaining wall if over a 48 inch difference in grade.
- 2.11 The landscaping plan shall be modified to show the corrected driveway location.
- 2.12 The utility pole shown located in the sidewalk shall either be relocated or the sidewalk relocated so as to go around the utility pole.

3.0 Conditions

- 3.1 The Petitioner shall provide a gift to the Town of \$1200 prior to any construction on site. This money shall be used to hire equipment and pay filing fees to Conservation to allow clean up of the drainage outfall at the Assabet River. The work shall be completed by the Town within two years or the money returned to the Petitioner.

Site Plan Special Permit #11/5/93-341

Wendy's International, Inc.

7-11 Powdermill Road

Plan File #3375 (Mullin)

Page 6 of 7

#####

- 3.2 The Petitioner shall provide a gift to the Town of \$15,000 prior to any construction on site. This money shall be used by the Town to help defray cost of the installation of a traffic light at the intersection of Powdermill Road and High Street.
- 3.3 The Petitioner shall post a cash security with the Town prior to any construction on site, in the form acceptable to the Town Treasurer, in the sum of \$15,000. This is to insure that the approved plan is constructed. This money shall be returned with any accrued interest upon completion.
- 3.4 Only directional signs are allowed in Acton.
- 3.5 Exterior site lighting, except security lighting as approved by the Building Commissioner, shall be turned off within one hour after closing.
- 3.6 Prior to occupancy or use of the new building, an as-built plan supplied by the engineer of record certifying that the project was built according to the approved documents. The as-built plan shall show all pavement, building and drainage structure locations above and below grade in their true relationship to lot lines, and include appropriate grades and elevations. In addition to the engineer of record, said plan shall be certified by a Mass. Registered Land Surveyor.

4.0 Limitations

The Authority granted to the Petitioner by this permit is limited as follows:

- 4.1 This permit applies only to the site which is the subject of this petition. All construction shall be conducted in accordance with the terms of this permit and shall be limited to the improvements shown on the Plan.
- 4.2 There shall be no further development of this site without written consent of the Board of Selectmen as outlined within the Acton Zoning Bylaw.
- 4.3 This Decision applies only to the requested Special Permit. Other permits or approvals required by the Acton Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction shall not be assumed or implied by this Decision.
- 4.4 The hauling of earth to and from the site shall be restricted to the hours between 9:00 AM and 4:00 PM, Monday thru Saturday.
- 4.5 The foregoing restrictions are stated for the purpose of emphasizing their importance but are not intended to be all inclusive or to negate the remainder of the Acton Zoning Bylaw.
- 4.6 Amendment of Permit. The Board hereby reserves its powers to modify or amend the terms and conditions of this Special Permit upon its own motion or on the application of the owner, lessee, or mortgagee of the premises. The Board further reserves its powers to amend this permit without a new public hearing

Site Plan Special Permit #11/5/93-341
Wendy's International, Inc.
7-11 Powdermill Road
Plan File #3375 (Mullin)

Page 7 of 7

#####

provided the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose intent of the Bylaw and with the terms of this permit.

- 4.7 Lapse of Permit. This Site Plan Special Permit shall expire on February 15, 1996 if a substantial use thereof has not commenced sooner except for good cause or if construction has not begun by said date except for good cause. Any request for an extension of the time limitation set forth herein must be made in writing to the Board at least thirty (30) days prior to said expiration date and the Board herein reserves its rights and powers to grant or deny such extension without a public hearing. The Board, however, shall not grant any extension as herein provided unless it finds that the use of the property in question or construction on the site has not begun except for good cause.

5.0 Appeals

Any person aggrieved by this Decision may appeal pursuant to the General Laws, Chapter 40A, Section 17 within 20 days after the filing of this Decision with the Acton Town Clerk.

Witness our hand this day of , 19 .

F. Dore Hunter, Chairman

I, Christine Joyce, hereby certify that this is a true copy of the Decision of the Board of Selectmen.

Christine Joyce, Recording Secretary

Date filed with Town Clerk

Catherine Belbin, Town Clerk

TO WHOM IT MAY CONCERN: This is to certify that the 20 day appeal period on the Decision of Wendy's International has passed and there have been no appeals made to this office.

Date

Catherine Belbin, Town Clerk

cc: Petitioner - Certified Mail #
Building Commissioner
Planning Board
Engineering
Conservation
Director of Municipal Properties
Board of Health
Town Clerk
Planning Boards - Concord, Littleton, Westford, Maynard, Carlisle,
Boxboro, Stow, Sudbury

3-1-94-(11)

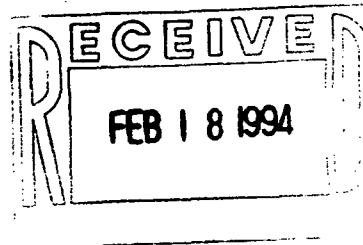
TOWN OF ACTON
Inter-Departmental Communication

DATE: 18 February 1994

TO: Selectmen/Finance Committee
FROM: Trustees, West Acton Citizens Library
SUBJECT: Restricted Gift

Trustees request you accept the gift noted below and credit to our gift account #751. The gift will be used to cover the cost of books/expenses.

Suzi Pomeroy
Suzi Pomeroy
Librarian



Roy Wetherby is holding the check

ROBERT M. GLORIOSO
L. DEANNE GLORIOSO
70 BIRCH HILL RD.
STOW, MA 01775

5269

Pay to the
order of

Citizen's Library

Feb. 15 *19 94* 53-235/113
\$ *25.00*

twenty five

Dollars

BayBank

900

BayBank Middlesex
Massachusetts

Memo *memorial gift Jane Dasher L. Deanne Glorios*

⑆011302357⑆ 315 942 6⑈ 5269

TOWN OF ACTON

SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

NO. _____ DEPT. CITIZENS LIBRARY DATE 18 February 1994

FROM	SOURCE	AMOUNT	TOTAL
FINES	137	4122	
GIFTS	751	4119	25. ⁰⁰

NO. _____ DATE 18 February 1994
 TO THE DEPARTMENTAL OFFICER MAKING THE PAYMENT

RECEIVED OF _____ CITIZENS LIBRARY THE SUM OF
Twenty-five and ⁰⁰/₁₀₀ DOLLARS
 FOR THE PERIOD ENDING February FOR COLLECTIONS AS
 PER SCHEDULE OF THIS DATE, FILED IN MY OFFICE.

 TREASURER

3-1-94 (11)

TOWN OF ACTON

Inter-Departmental Communication

DATE: February 11, 1994

FEB 14 1994

TO: Selectmen/Finance Committee

FROM: Trustees, West Acton Citizens Library

SUBJECT: Restricted Gift

Trustees request you accept the gift noted below and credit to our gift account #751. The gift will be used to cover the cost of books/expenses.

\$25.⁰⁰ from Terra Friedrichs

\$25.⁰⁰ from INEZ Andrews

Suzi Pomeroy
Suzi Pomeroy

Librarian

Roy Wetherby is holding checks

3-1-94 - (12)



West Area Office

21 Foster Street
Newtonville, Massachusetts 02160-5491
(617) 527-6000

February 9, 1994

Dore' Hunter, Chairperson
Board of Selectmen
472 Main Street
Acton, MA 01720

FEB 14 1994

Dear Dore':

The American Red Cross has a strong history of service to others and a mission to help people prevent, prepare for, and respond to emergencies. The Red Cross of Mass Bay does this by developing and offering programs and services which address critical human, health, and safety needs of the communities which it serves.

March is a time to get others involved with the Red Cross mission and to revitalize relationships in our communities. This year we celebrate over fifty years of declaring March as Red Cross month. This custom is supported by our honorary chairman, the President of the United States.

We are looking to you to participate and help the people of the Red Cross achieve its worthwhile mission by upholding this annual tradition. We would like to offer your town the opportunity to declare March as Red Cross month throughout your community. In order to accomplish this, I have enclosed a sample proclamation for your review and use. We will be happy to meet with your town officials to share additional Red Cross information and accept the signed proclamation through a publicity event.

The American Red Cross of Massachusetts Bay/West Area is steadily working to keep its communities involved and informed. Please help us with this task by celebrating Red Cross month in March. If you have any questions please call me at 617/527-6000. Thank you in advance for your consideration and support.

Sincerely,

A handwritten signature in cursive script that reads "Sandra J. Capriulo".

Sandra J. Capriulo
West Area Coordinator



COMMONWEALTH OF MASSACHUSETTS
TOWN OF ACTON
BOARD OF SELECTMEN

P R O C L A M A T I O N

- Whereas: The American Red Cross is a humanitarian organization, led by volunteers, who prevent, prepare for, and respond to emergencies by developing and offering programs and services which address critical human, health and safety needs of the communities which it serves and which are consistent with its congressional charter and the fundamental principles of the International Red Cross movement; and
- Whereas: The American Red Cross meets the immediate emergency needs of disaster victims everyday in Massachusetts by providing food, clothing, shelter and other necessities following fires, floods and other natural and man-made disasters; and
- Whereas: The American Red Cross continues to provide emergency communications to military members and their families throughout the world; and
- Whereas: The American Red Cross works daily in our community to ensure the health and safety of our families through training in CPR, first aid and water safety; and
- Whereas: The American Red Cross is a leader in efforts to stop the spread of HIV/AIDS through educational programs in the work place, school and homeless shelters and through its careful testing of donated blood; and
- Whereas: The American Red Cross emphasizes concern for others to help keep our community and our country strong through the promotion of preventive health measures and health education courses; and
- Whereas: The American Red Cross receives no financial support from the federal or state governments, all of us can help support our American Red Cross by contributing our money, and our time as volunteers:
- Therefore: We the Acton Board of Selectmen, do hereby proclaim the month of March, 1994 as

AMERICAN RED CROSS MONTH

in the town of Acton urge all citizens of this community to join us in supporting all of the Red Cross programs and in recognizing this outstanding organization and its contributions to our community.

File 9/94
3/11/94

cc: BOS

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

February 25, 1994

TO: Don P. Johnson, Town Manager
FROM: Dean A. Charter, Municipal Properties Director (D.A.C.)
SUBJECT: Adams St. tree questions, additional information

The attached excerpt might be of interest to Ms. Tavernier. This is the only published information that I have been able to find that addresses the question at hand, and I am not really too sure how significant, or reliable it is. I also have a call in to one of my contacts at the Forest Service to get some information about a climate and pollution research project they have going in Chicago.

Bruce Hettick had a letter published in the Beacon yesterday that put kind of an interesting spin on some comments I made to him about the condition of the forest off Adams Street; if you are interested, I can tell you what context they were taken out of. Mr. Hettick also called the land off Adams Street "the last significant piece of open land in South Acton". Here is a partial list of existing dedicated open space in South Acton.

TOWN OF ACTON LAND

Pratt's Brook Conservation Area	57.54 Acres
(Located between Parker St. and Audubon Hill)	
Great Hill Recreation Area	184.88 Acres
(Located between Main St., School St., Piper Rd., and 111)	
Heath Hen Meadow Conservation Area	98.80 Acres
(Located off Robbins St.)	
McGloin/Steinman Conservation Land	18.00 +/- Acres
(Located off Conant, Broadview, Robert, Country Club)	
Pacy Land	31 +/- Acres
(Located behind 43-53 Central St.)	
Prescott Conservation Land	4.50 Acres
(Located off Stow Street)	

ACTON WATER DISTRICT LAND

Lawsbrook/School St Wellfield	70 +/- Acres
Assabet Wellfield, High St.	56 +/- Acres

COMMONWEALTH OF MASSACHUSETTS LAND

Northeast Correction Center Farm	92 +/- Acres
(Located off School Street)	

Approximate total of "Dedicated Lands in South Acton: 611 + Acres

a study of

PLANTS AND THEIR ENVIRONMENTAL FUNCTIONS

published by the

U.S. Department of the Interior,

National Park Service,

Washington, D.C.

in collaboration with the

American Society of Landscape Architects Foundation

Text and Photography by

GARY O. ROBINETTE / Executive Director,

American Society of Landscape Architects Foundation

1972

ATMOSPHERIC PURIFICATION

At a time when there is much talk about air pollution and concern for our air supply, it appears that one of the greatest sources of natural atmospheric purification is being overlooked. It is appropriate to point out that plants condition and cleanse our air. Some of the ways which plants act in doing this are similar to those of commercial interior air-conditioners which heat, cool, humidify, dehumidify, clean, and circulate air. Plants control temperature, air flow, and moisture content. Their efficiency in this is demonstrated in a later section on climate control.

For the purpose of this discussion, however, we are concerned with air cleansing as an engineering function of plant materials. This includes the use of plants for abating gaseous, particulate, and odoriferous air pollution.

Oxygen Carbon Dioxide Cycle

Plants cleanse the air by the process of photosynthesis: in the presence of sunlight carbon dioxide is removed from the air and oxygen is returned to it. Oxygen is vital to the survival of all animals, including man, and carbon dioxide is vital to plant

life. This process and interrelationship is explained by Dr. Lamont C. Cole, as follows:

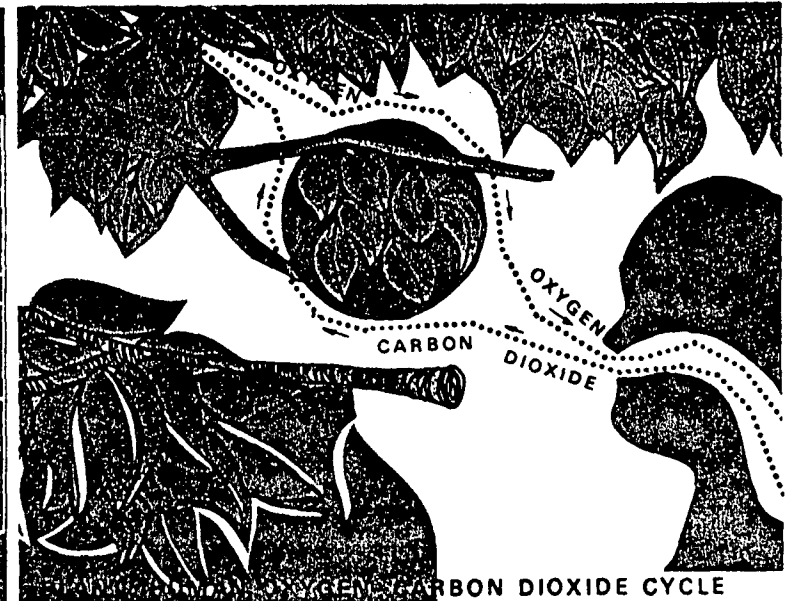
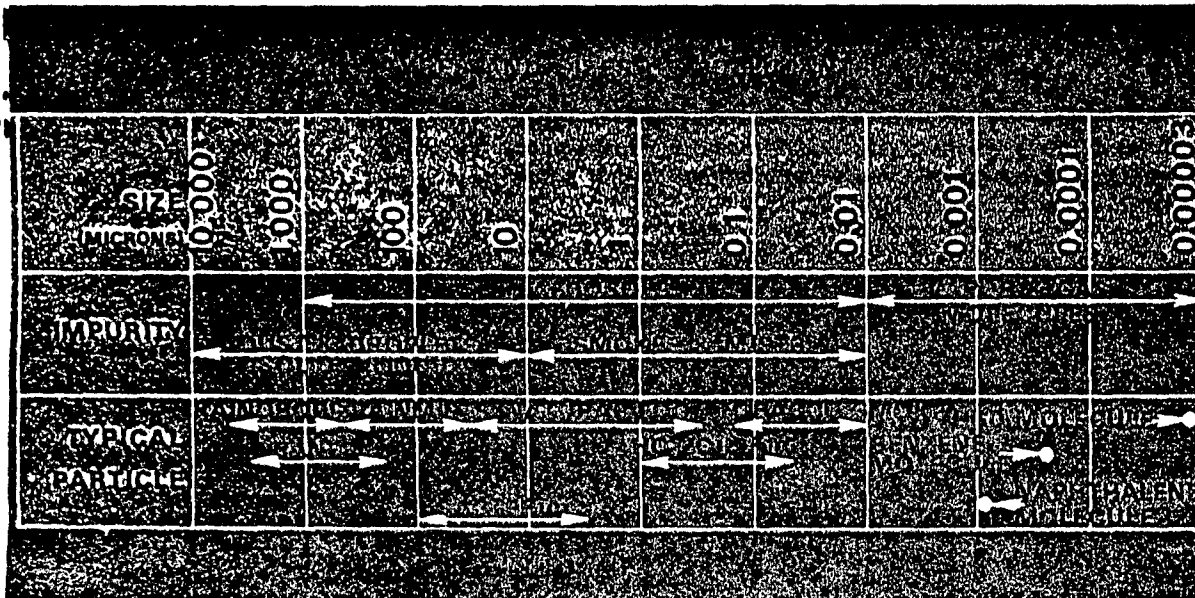
... oxygen is an abundant element and actually accounts for about half of the total mass of known terrestrial matter. However, it is a highly reactive element and is almost never found in uncombined form except in the atmosphere or dissolved in bodies of water. In both cases green plants are responsible for the presence of free oxygen. Plants take in carbon dioxide and water and use the energy of sunlight to derive the chemical reaction known as photosynthesis, which produces organic compounds and releases molecular oxygen to the environment as a by-product. . . .²⁸

Pollution Control

Plants control air-polluting gasses through oxygenation and dilution.

OXYGENATION The introduction of excess oxygen into the atmosphere is oxygenation. The minimum ratio of air contamination acceptable to man is one part of polluted air to 3,000 parts of relatively pure air. Along many highways the ratio may be as low as 1:1,000. A one-half-mile-wide green-belt, planted on either side of freeways and expressways, would readjust the air balance.

²⁸Lamont C. Cole, "Are We Running Out of Oxygen?" *Catalyst for Environmental Quality* (Spring 1970) p. 2.



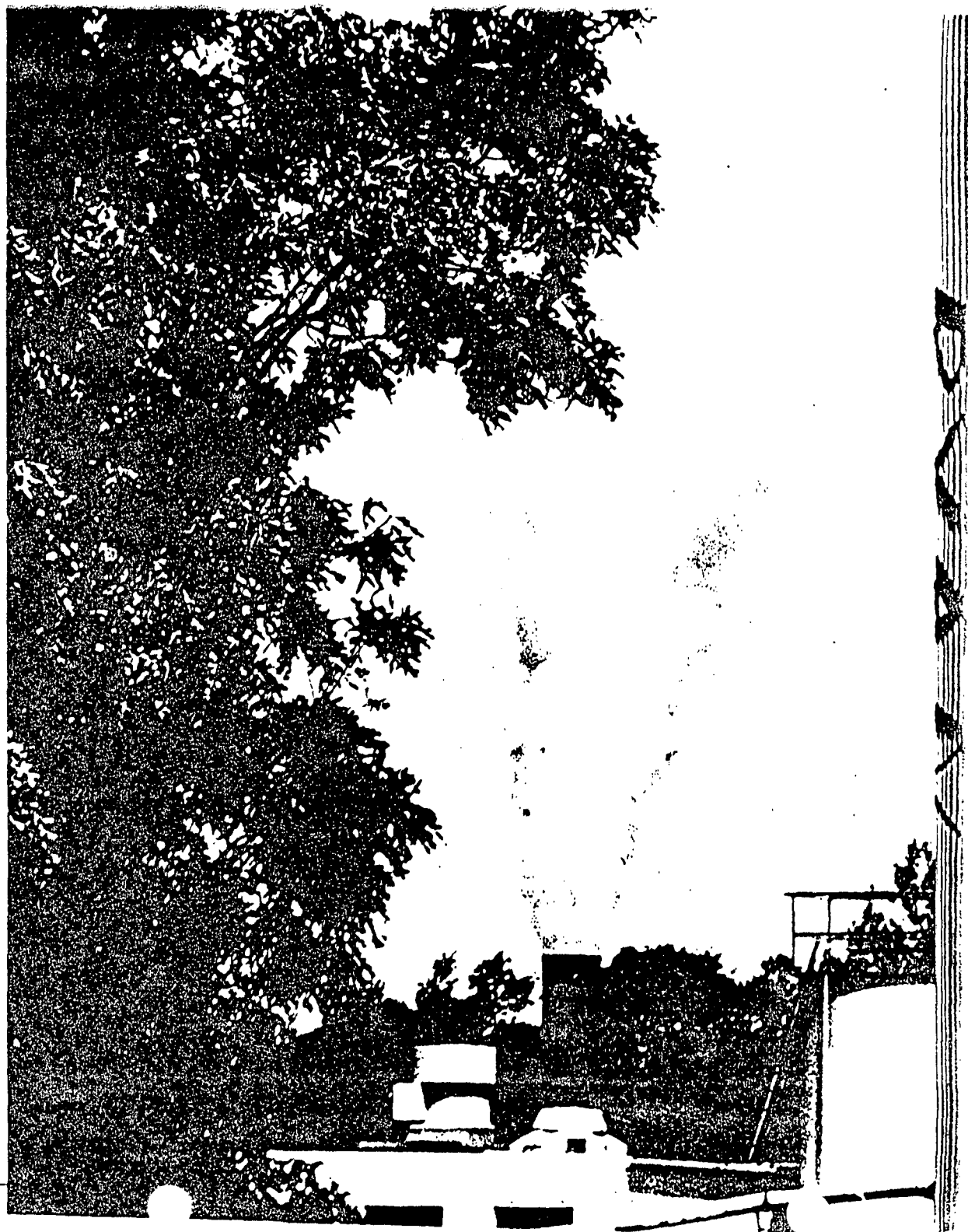


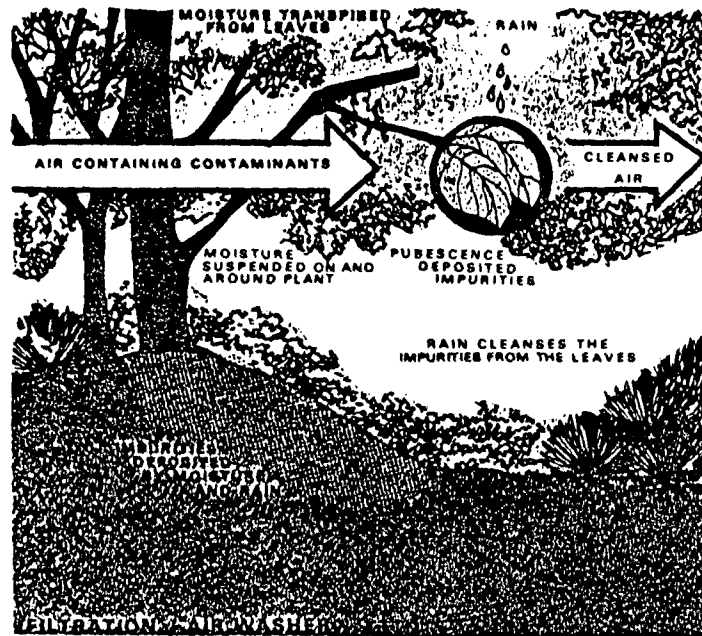
DILUTION The dilution of air is mixing fresh, or "clean" air, with polluted air. Mechanical air conditioners force fresh air into an area containing stale, impure air. Plants also mix fresh and polluted air; but rather than forcing one kind of air into another, when oxygen-enriched air is present in, around, and under them, a dilution process results. As polluted air flows around plants and through fresh air, oxygen-rich air is mixed with polluted air and is diluted. Plants also remove from the air other impurities, such as air-borne dirt, sand, fly ash, dust, pollen, smoke, odors, and fumes.

PRECIPITATION AND FILTRATION Mechanical air conditioners filter air through mechanical filters or electrical precipitators to cleanse it. The method of electrical precipitation in air conditioning involves electrically charging air-borne particles, which also carry odors and then collecting these particles on a grid having a strong opposing electrical charge. Plants also collect air-borne particles. The leaves, branches and stems, and pubescence (hairiness) on the leaves and stems trap particles and hold them. The particles are then washed away by the rain and fall to the ground. In addition, plants act as cleaners by absorbing many gaseous and other pollutants directly into the leaves and assimilating them.

Narcosis is a temporary state of depression, and when used in regard to air conditioning, means an area relatively free of turbulence as opposed to its surroundings. This semi-void permits particles to settle out of the contaminant-laden air. A wooded area, or forest, provides such a settling chamber for air pollutants.

AIR WASHING Growing plants transpire a considerable amount of water. A beech tree, for instance, standing alone in the open, loses 75 to 100 gallons of water during a summer

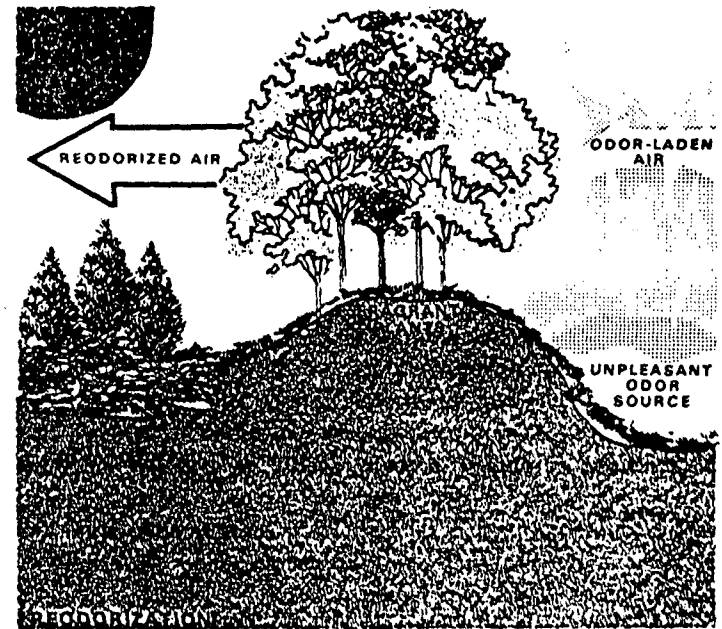




day. A mature orchard transpires as much as 600 tons of water per acre per day. Plants transpire large amounts of water into the atmosphere, and cause water to form through the guttation process on their leaves, enabling them to act as air cleaners.

In mechanical air conditioning, air washers are designed to produce contact between air and water for the purpose of obtaining the transfer of heat and moisture between the two and removing impurities from the air. Moisture forming on the leaves as guttation washes particulates off them onto the ground. Moisture in suspension on and around a plant increases the humidity, and settles out wind-borne pollutants.

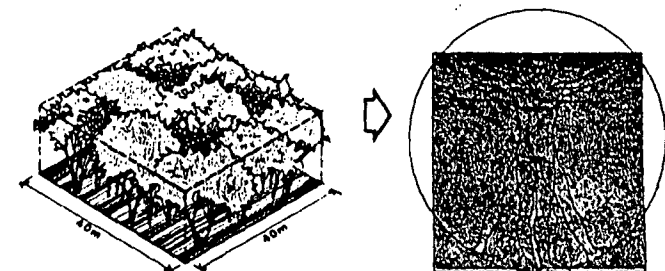
ODORS Mechanically, fumes and odors are controlled by masking and reodorizing. This is accomplished by replacing obnoxious odors with a stronger, more powerful, bearable or pleasing smell—air conditioners and aerosol atomizers. Fragrant plants may be planted between the source of a disagreeable odor and the recipient to mask the unpleasant odor and provide a pleasant odor in its place. Plants also have the ability to absorb odors directly and metabolize them.



Plants For Pollution Control

Man has invented mechanical means for cleaning and purifying air indoors. Plants can effectively perform these functions out-of-doors. How effective are these natural air cleaners? The following references serve to illustrate the efficiency of plants in removing air-borne contaminants from the atmosphere.

PLANTS AND GASEOUS POLLUTANTS Dr. Aloys Bernatzky, writing on the "Climatic Influences of the Greens and City Planning" says:



30 TO 40 SQUARE METERS OF PLANTS SUPPLY THE OXYGEN REQUIREMENTS FOR ONE MAN

What green spaces can perform in the interest of the climate of a city is best illustrated by the work done by a single tree. Let us take a free standing beech, 80 to 100 years old. With its crown of 15 meters in width and its height of 25 meters, it covers a spot of 160 square meters. The total surface of all its leaves adds up to 1600 square meters. But this is the outer surface. The inner surface of the leaves, i.e., the total of the cell walls which are active in assimilation, makes up a hundred times as much—according to plant physiologists (Walter)—that is 160,000 square meters.²⁹

Expanding on this basic data in a later article entitled, "The Performance and Value of Trees," Bernatzky explains:

The air in which we live and which we daily breathe on an average contains, in . . . (open) country, 0.03 percent by volume of carbon dioxide (CO_2) per cubic meter of air; this means on an average 0.5 g CO_2 or 0.15 g carbon (C) (Strassburger). In cities and industrial areas, this component achieves substantially greater values.

This carbon extracted from carbon dioxide . . . is the principal nutrient of plants. Air flows through the intercellular spaces of the leaves. The carbon dioxide is extracted from the air, and using water and solar energy, processed into glucose and oxygen. This process takes place in accordance with the following equation: 6 molecules CO_2 (carbon dioxide, weighing 264 g) + 6 molecules H_2O (water, 106 g) produce, at a =consumption= of 675 calories, 1 molecule $\text{C}_6\text{H}_{12}\text{O}_6$ (glucose, 180 g) + 6 molecules O (oxygen, 192 g). . . .

Since 1 square meter leaf surface assimilates 1.5 g CO_2 per hour according to Walter, our beech, with its 1600 square meters exterior surface, converts 2400 g carbon dioxide (i.e., the carbon dioxide of 5,000 cu. m. air—the volume of 10 homes) in favorable weather conditions per hour and square meters plus 960 g water, consuming 6075 calories of sunlight, into 1600 g glucose while emitting 1712 g oxygen.

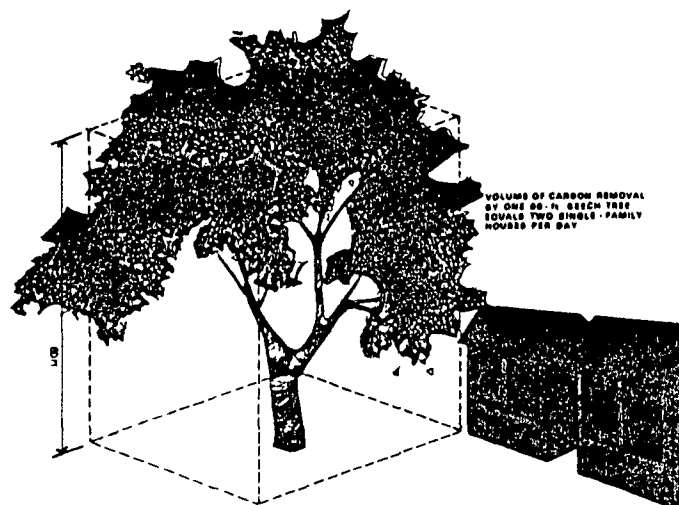
With a height of 25 meters and a crown diameter of 15 meters this one beech, with its roots, trunk, branches and twigs, has a volume of roughly 15 cu. meters dry substance which weighs 800 kg per cu. meter. For the whole tree, this amounts to 12,000 kg. One half of the weight is accounted for by carbon, i.e., 600 kg. As stated above, every cubic meter air contains 0.15 g C or 0.5 g CO_2 , the carbon incorporated in the tree stems from the carbon dioxide of 40 million cu. m. air or the volume of 80,000 homes of 500 cu. meters. If the beech is one hundred years old, it has thus annually consumed the carbon dioxide of the air of 800 homes or of 2 homes per day, thus decontaminating the air in respect of carbon dioxide.

Naturally a tree . . . consumes or combusts sugar while consuming oxygen and emitting carbon dioxide, in respiration the reverse process takes place that we have met in assimilation (photosynthesis). On the other hand, the carbon dioxide production of a tree is only $\frac{1}{6}$ to $\frac{1}{3}$ of the quantity of CO_2 which it has consumed in assimilation (photosynthesis). Accordingly, the consumption of carbon dioxide is vastly larger than the production of carbon dioxide and, respectively, the consumption of oxygen . . . —it is on this that human life rests. . . .

A leaf surface of 25 sq. m. may emit, on a sunny day, as much oxygen as man requires in the same period. But since man breathes also at night and in winter, i.e., at times when there is no assimilation, at least 150 sq. m. of leaf surface are required in order to cover one person's oxygen requirements in a year. Converted to oxygen producing plant surface, an inhabitant of town centers would require 30-40 sq. m. greenery surface (trees, shrubs, plants, grass) in order to cover his requirements.³⁰

Dr. A. F. Bush, Professor of Engineering in the Department of Engineering at the University of California, Los Angeles, suggests, in answer to the question of quantification of air pollution functionality of plants, the following approach:

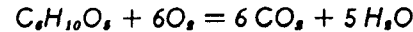
. . . We should develop quantification information; it could be very useful.



²⁹Aloys Bernatzky, "Climatic Influences of Greens and City Planning," *Anthos*, no. 1 (1966), p. 23.

³⁰Aloys Bernatzky, "The Performance and Value of Trees," *Anthos*, no. 1 (1969), p. 125.

One approach is to consider a cropped field, such as hay or corn, which can be weighed when harvested and the weight per unit determined. Since most products are cellulosic in nature and have a general formula of $C_6H_{10}O_5$ cellulose, or $C_6H_8O_4$ for trees and bush, the source of the carbon (C_6) is from the CO_2 in the air. It is apparent that it takes some such reaction which might be written:



$$162\# + 192\# = 264\# + 90\#$$

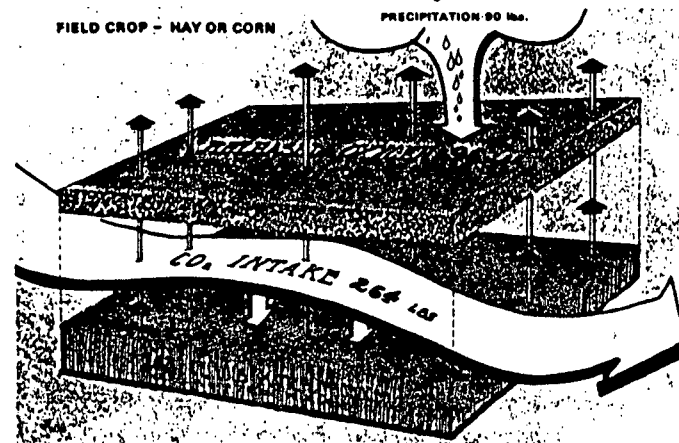
Going from right to left it can be shown that 264# of CO_2 + 90# of H_2O are required to produce 162# of cellulose material. The release of oxygen would be about 192#. Going from left to right is the combustion process where oxygen is used and carbon dioxide and water vapor are produced.

A high rate of growth may show several tons of cellulose material being produced per acre per month in the growing season when soil, moisture, and climate are favorable.

All of this does little to enlighten us on the amount of pollution removed in the process. One assumption might be made, however, and that is the rate of uptake of other pollutant gases in the air may be the same as CO_2 in ratio to their concentration in the air.³¹

Dr. Paul E. Waggoner, Chief Climatologist at the Connecticut Agricultural Experiment Station, reports on his research as follows:

Our laboratory studies and subsequent computer analysis showed that plants can remove enough ozone from the air to



benefit us. For example, we studied what happens when a mass of polluted air containing 150 parts of ozone per billion parts of air (ppb) passes over a forest of trees 15 feet tall.

We chose 150 ppb of ozone as the concentration in the polluted air because this is what we find in the air of Connecticut on a fairly polluted day. The computer analysis told us that if such an air mass stood over the forest for one hour, the air filtering down to the forest floor would have only 60 to 90 ppb of ozone remaining. The rest would have been taken up by the canopy of leaves. If the polluted air mass stood over the forest for eight hours, the air filtering down to the forest floor would have only 30 ppb of ozone left.

These studies told us other things. For instance, taller trees would remove more pollution than would shorter trees. The larger the stomatal pores and the more numerous the stomata per square inch of leaf surface, the more effective are the leaves in removing ozone from the air.

It is satisfying to learn that the plants that we like, because they are making the hills green, are cleansing our air. And it is important to discover and develop the kinds of vegetation that cleans most effectively.³²

PLANTS AND PARTICULATE POLLUTANTS Plants play an important role in helping to remove particles of pollution from the air. Improvement of the climate of a city is of special importance in the center, where green spaces are already limited and are rapidly disappearing. Green spaces are not interchangeable with buildings, if they are to have an effect on the climate of the city. In other words, a tree cut down in the center of the city cannot be replaced by a tree planted somewhere at the edge to influence the climate. This is brought out by Dr. Bernatzky, writing on the climatic effect of greens in city planning; he says an important feature of parks and large areas of plants in their dust-reducing effect.

... To begin with, they produce no dust themselves. Then, if there is no wind, dust elements in the air will settle on the plants in the parks. Measurement taken near the Frankfurt main station and in the town center showed a concentration of 18,000 kernels per air unit, whereas measurements taken at the same time at the Rothschild Park (surface 4 hectares) showed a concentration of not more than 1000 to 3000 kernels per unit.

As concerns dust particles the figures read 3000 in streets planted with trees, compared to 10,000 to 12,000 particles in streets without trees in the same quarter of the town.³³

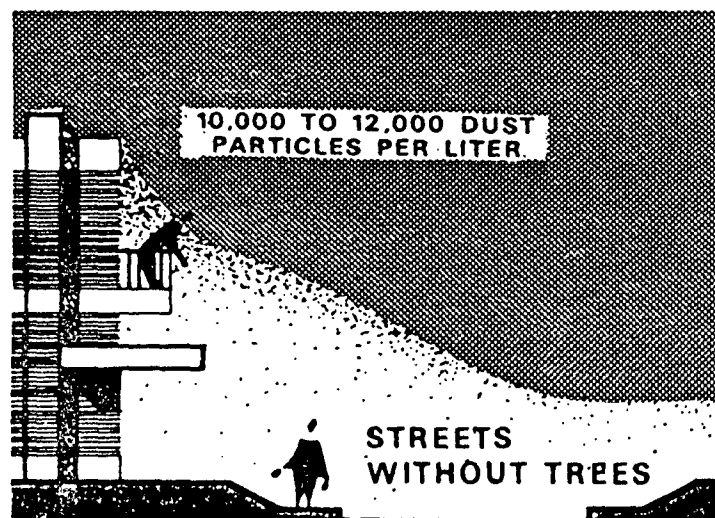
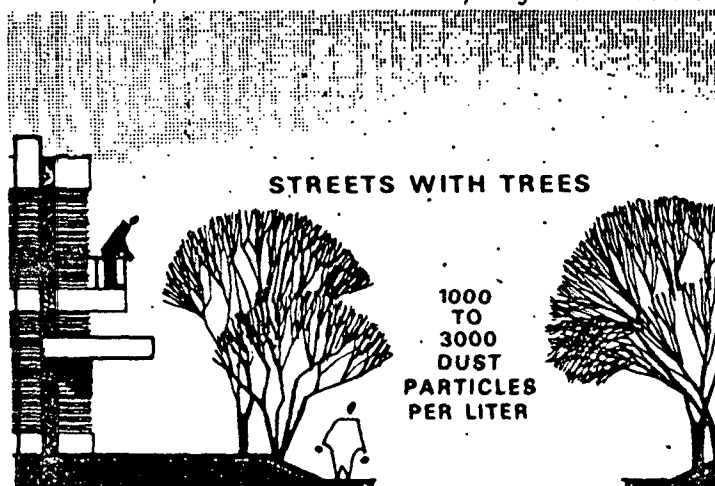
³¹Letter from A. F. Bush to the author, September 24, 1967.

³²Paul E. Waggoner as quoted by Tom Stevenson in "How Plants Help Fight Against Air Pollution," *Washington Post*, August 2, 1970, sec. H, p. 7.

³³Bernatzky, "Climatic Influences," p. 24.

The effect of forests and large plantings in removing air-borne and wind-blown particles is discussed by Rudolph Geiger, in his book, *The Climate Near The Ground*.

... the passive influence of the forest on the wind field at its edge is much more effective than its active influence. The wind field for its own part is instrumental in controlling two other processes that take place at the forest edge, namely, the dissemination of seeds and distribution of dust. Along a country road at the western edge of a forest on a hot, dusty summer day, the filtering effect of the trees at the border can be seen in the white powder observed over everything. From measure-



ments made by M. Rotschke, it appears that with winds perpendicular to the forest edge, in addition to the maximum at the edge itself, an increase in dust content is found in the inner border zone. For example, on 29 January 1935, with a wind of 203 m. sec. -1 in the open, the dust content in thousands of particles per liter in front of (-) and behind (+) the forest edge was:

Distance (m)	-100	-50	-25	+25	+50	+100
Dust content	10.1	10.2	10.3	14.0	11.8	11.5

Since in this particular case there was a thin snow cover with a temperature of -2°C , the filtering effect could be observed without interference from any secondary source of dust. The interior of the forest became more and more free of dust. If the wind blows at an angle to the forest edge, there is a marked increase in dust in the outer border zone, which results from the increase in wind mentioned earlier.

The illustration shows the distribution of dust measured by M. Rotschke during an automobile journey near Leipzig in the afternoon of 10 April 1935, using a Zeiss conimeter. Not only the edge, but also the whole area of the forest, which itself produces hardly any dust, shows a low dust content.³⁴

Dr. Wilfrid Bach and Edward Mathews prepared a paper entitled "The Importance of Green Areas in Urban Planning" for the workshop, Bioclimatology and Environmental Health, in 1969. In this they made the following statement on "Effects of Green Areas on Air Pollution Levels" by quoting other recognized experts:

Kuehn states bluntly that the belief that green areas are the 'lungs' of the cities is inaccurate. Quoting others he supports this statement with the example that three million acres of green areas would be needed in order to improve the air of Berlin to any marked degree. However, the following examples will show that already very small green areas are able to reduce certain pollutants markedly.

Meldau found that 2.5 acres of beech wood are able to extract about 4 t. of dust per year from the atmosphere and bind it into the humus layer. Pindard and Wilkins and also Meetham report of a 28% reduction in smoke concentration in Hyde Park which is only of 1 sq. mile in area. Accompanying figure shows the decrease in smoke concentration in Hyde Park as a function of wind direction. Wainwright and Wilson measured SO_2 in Hyde Park with portable apparatus and found that the rate of decrease of SO_2 with the distance from the upwind

³⁴Rudolph Geiger, *The Climate Near the Ground* (Cambridge, 1950), p. 346.

edge was closely related to the lapse rate but not to the wind speed.

In an older publication, Landsberg states that a 600 ft. wide belt of planting can reduce dust count by as much as 75 percent. Even lawns act as dust filters.

A Russian study conducted by Kalyuzhnyi et al. shows an enormous effect of so-called sanitary clearance zones which are green areas surrounding factories. They found that a 500 m. wide green area reduces SO_2 concentration by 70 percent and nitric oxide concentration by 67 percent.

In a more recent study in the United States, Neuberger et al. found that a dense coniferous forest reduced the concentration of ragweed-pollen by 80%. Deciduous trees were less effective. Also the sub-microscopic Aitken nuclei ($0.1 \mu\text{m}$) were reduced by coniferous trees on the average of 34% and through deciduous trees by 19%. Even radioactive aerosols

are filtered out by green areas. Herbst (cit. Keuhn 8) measured 2.4 times higher radioactivity on the windward than on the leeward side of trees.

The effect of a city park, which had already been brought about by the temperature and the humidity variations, is now further emphasized by the variations of average SO_2 and particularly by average smoke concentration in Sheffield. The clean air effect of Norfolk Park reaches right into and beyond the city center and is a real phenomenon, since it could be found in 8 years of investigations."²⁵

From the preceding, it can be seen that plants can and do function as air cleansing agents to oxygenate and remove gaseous particles and odors from the atmosphere. Plants of adequate sizes and types are effective as air cleansers.



²⁵Bach and Mathews, p. 16.

MAGIC



Action
Boxborough
Carlisle
Concord
Hudson

Littleton
Marlborough
Maynard
Stow
Sudbury

**MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION**

A Subregion of Metropolitan Area Planning Council

Minuteman Advisory Group on Interlocal Coordination

c/o MAPC, 60 Temple Place, Boston, MA 02111 617 / 451-2770

cc: BOS

SAVE THE DATE!

THE MAGIC SUBREGION

IS HOSTING ITS

ANNUAL MEETING WITH LEGISLATORS

ON THURSDAY

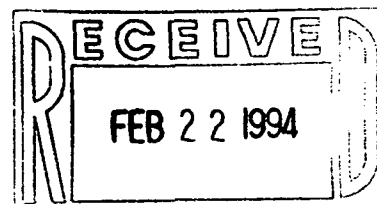
MARCH 10, 1994

**Second Floor Hearing Room
Concord Town House**

**Discussion with legislators begins at 8:00 p.m.
(MAGIC business begins at 7:30 p.m.)**

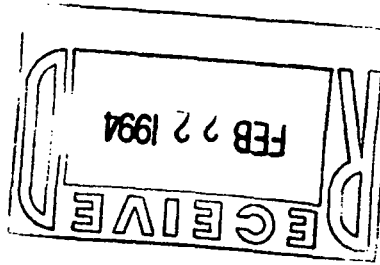
Topics will include:

- * the proposed Massachusetts Planning and Development Act (aka "Growing Smart" and "1000 Friends" legislation) and other approaches to regionalism;
- * the reuse of Ft. Devens;
- * potential for a second airport at Devens or Hanscom;
- * the transportation bond bill, including Chapter 90 funding, and other regional transportation issues;
- * the open space bond bill;
- * the "betterments" bill;
- * economic development issues;
- * state and federal housing initiatives and funding; and
- * other regional planning issues.



cc: BOS

February 18, 1994



Mr. Don Johnson
Town Manager
Town Hall
472 Main Street
Acton, MA 01720



Re: Town of Acton: W.R. Grace & Co.--Conn.

Dear Mr. Johnson:

I am General Counsel and Secretary of GZA GeoEnvironmental Technologies, Inc. ("GZEA"), a public corporation which is the sole stockholder of each of GZA GeoEnvironmental, Inc. ("GZA", former corporate name "Goldberg-Zoino & Associates, Inc."), and GZA Remediation, Inc. ("GZAR"). I also serve as General Counsel of both GZA and GZAR, and Clerk of each of those subsidiaries.

320 Needham Street
Newton Upper Falls
Massachusetts 02164
617-630-6209
FAX 617-969-0715

This letter is in response to the letter of Stephen D. Anderson, Esquire, of January 7, 1994 directed to William Cheeseman, Esquire, of Foley, Hoag & Eliot, regarding the performance of remedial work by GZAR for W.R. Grace & Co.--Conn. ("Grace") at the Grace Acton Facility.

In my capacity as General Counsel and Secretary and as Clerk of the subsidiary corporations, I assure you that GZEA, GZA and GZAR will each maintain in place an absolute bar to any communication, formal or informal, between,

GROUP I: Being any present or past employee of GZA who assisted the Town of Acton concerning the Grace Facility, including John E. Ayres, Paul F. Reiter and Matthew J. Barvenik, and any other GZA employee, past or present, who may have carried out any work for the Town of Acton related to the Grace Acton Facility (the "Group I Services"), and,

GROUP II: Being any GZAR or GZA employee who may perform any services under, or be involved, in any way, in the work under the contract between GZAR and Grace concerning the Grace Acton Facility (the "Group II Services"), including any other person acting on behalf of Grace in respect to that contract.

In implementation of our undertaking to maintain such an absolute bar to any communications, formal or informal, between the two groups denoted in the foregoing

policy, GZEA, the parent corporation, and each of its subsidiaries, GZA and GZAR, have implemented the following plan:



1. GZEA, GZA and GZAR will have posted prominent notices ("Chinese Wall Notices") advising their employees of their agreement with the Town of Acton to bar all communications, formal, or informal, direct or indirect, between persons in Group I and persons in Group II which, in any way, relate to any aspect of the Grace Acton Facility or the performance of services by GZA or GZAR for the Town of Acton or for Grace with respect to such Facility.
2. Each of John E. Ayres, Paul F. Reiter and Matthew J. Barvenik will have received a personal copy of this letter and of the "Chinese Wall Notice", and will execute a written acknowledgement that each understands the conditions set forth herein, and agrees to refrain from any conduct, or communication with any GZA or GZAR employees, which might be violative of the requirements of this letter.
3. GZAR has issued a "File Security Protocol" directing that all project files related to the Group I Services shall be maintained in a secure condition, in separate file cases, with access to those file cases limited to employees in Group I; and a "File Security Protocol" directing that all project files related to Group II Services be maintained in a secure condition, in separate file cases, with access to those file cases limited to employees in Group II.

I trust that this letter, the "Chinese Wall Notice", and the "File Security Protocols", (copies enclosed) are a satisfactory response to the conditions set forth in Paragraph 2 of the letter of Stephen Anderson, Esq., of January 7, 1994.

Sincerely,

GZA GEOENVIRONMENTAL TECHNOLOGIES, INC.

Leon Birnbaum
Leon Birnbaum *LET*

LB:bjc

"IMPORTANT CHINESE WALL NOTICE"
TO BE POSTED AT GZEA, GZA AND GZAR OFFICES

Subject: W.R. Grace & Co.--Conn. - Acton Facility

GZA Remediation, Inc. is entering into a contract with W.R. Grace & Co.--Conn. for the performance of certain technical and remediation services with respect to the Grace Facility located in the Town of Acton, Massachusetts.

In the past, GZA GeoEnvironmental, Inc. (under its former name, Goldberg-Zoino & Associates, Inc.) provided advice to the Town of Acton with respect to the W.R. Grace & Co.--Conn. Acton facility. Those past services were carried out, principally, by John E. Ayres, Paul F. Reiter and Matthew J. Barvenik, over several years.

W.R. Grace & Co.--Conn. now intends to carry out remediation activities at the Grace Acton Facility. GZAR bid the work and has been selected.

Since GZA has provided advice to the Town, the Town is entitled to the maintenance of confidentiality. All past or present GZA employees, including Ayres, Reiter and Barvenik, who were in any way involved in providing services and advice to the Town are hereby ordered and directed not, directly or indirectly, formally or informally, to have any communications regarding such services nor to disclose any information regarding such services, with or to any employees of GZAR or GZA who may be involved in the prosecution of any aspect of the work required under the contract between W.R. Grace & Co.--Conn. and GZAR.

Any employee, subcontractor or consultant working for, or engaged by GZAR or GZA, in respect to any aspect of the GZAR contract for remediation services at the Grace Acton Facility, is hereby ordered and directed not to have any contact with, discussion of, or dealings or communication, review of documents, or any other activities, with John E. Ayres,

Paul F. Reiter, Matthew J. Barvenik, or any other GZA employee, present or past, who was involved, in any way, in the investigations, collection of data, and providing of advice by GZA to the Town of Acton with respect to the Grace Acton Facility.

The purpose of this regulation is to ensure that there is no inappropriate transmission of any information, or influence, in any aspect of GZAR's performance of services at the Grace Acton Facility, by any GZA employee who had been involved in the services performed by GZA for, and advice provided to, the Town of Acton, Massachusetts.

GZAR has issued "File Security Protocols" limiting access to the Town of Acton project files to those employees who worked for the Town and limiting access to the W.R. Grace project files to those employees working for W.R. Grace. Copies of the Protocols will be posted on the respective file cases containing Town of Acton and W.R. Grace project files.

In the event that there is any question regarding such project files, you shall immediately refer that question to the General Counsel, Leon Birnbaum, Esquire, for investigation and disposition.

Exceptions to the foregoing policy will be made only with the express consent, on a case-by-case basis, of both the Town of Acton and W.R. Grace. Any exception should first be cleared with GZA's in-house counsel.



Number:	00001
Date:	January 31, 1994
Supersedes:	none
Approved:	Leon Birnbaum
Sponsoring Function:	General Counsel
Page:	1 of 1

© 1994 GZA GeoEnvironmental Technologies, Inc.

**FILE SECURITY PROTOCOL
GZA REMEDIATION, INC.
W.R. GRACE ACTON FACILITY PROJECT FILES**

Your attention is directed to the "IMPORTANT CHINESE WALL NOTICE" posted in GZEA, GZA and GZAR offices relative to the work being undertaken by GZAR at the W.R. Grace & Co.--Conn.-Town of Acton Facility.

To ensure the integrity and confidentiality of the project files this protocol is being issued which limits access to the Grace Acton Facility Project Files to only those employees who, because of their work on the GZAR-Grace contract, require access to the project files.

Only those individual employees who have been specifically assigned to work on the W.R. Grace Project shall have access to the files and only to the extent required to perform their specific functions. Individuals not falling into the above category will be denied access. **There will be no exceptions to this protocol without the express written permission of the General Counsel.**

The following notice will be placed in a conspicuous place on the front of every file cabinet containing the W.R. Grace/Action Facility Project files:

**"NOTICE"
RESTRICTED PROJECT FILES
ACCESS ALLOWED TO APPROVED PROJECT PERSONNEL ONLY
SEE GZAR PROJECT FILE ADMINISTRATOR FOR ACCESS**

No access to project files under any circumstances will be allowed to John E. Ayres, Paul F. Reiter, Matthew J. Barvenik or any other GZA employee, present or past, who was involved, in any way, in the investigations, collection of data, and providing of advice by GZA to the Town of Acton with respect to the Grace Acton Facility.

Date



Number:	00001
Date:	January 31, 1994
Supersedes:	none
Approved:	Leon Birnbaum
Sponsoring Function:	General Counsel
Page:	1 of 1

© 1994 GZA GeoEnvironmental Technologies, Inc.

FILE SECURITY PROTOCOL

GZA GEOENVIRONMENTAL, INC.
TOWN OF ACTON - W.R.GRACE FACILITY

Your attention is directed to the "IMPORTANT CHINESE WALL NOTICE" posted in GZEA, GZA and GZAR offices relative to the work being undertaken by GZAR at the W.R. Grace & Co.--Conn. - Town of Acton Facility.

To ensure the integrity and confidentiality of the project files this protocol is being issued which limits access to the Town of Acton files related to the W.R. Grace Facility to only those employees who worked for the Town of Acton in connection with such facility.

Individuals not falling into the above category will be denied access. There will be no exceptions to this protocol without the express written permission of the General Counsel.

The following notice will be placed in a conspicuous place on the front of every file cabinet containing the Town of Acton files related to the W.R. Grace Facility:

"NOTICE"
RESTRICTED FILES
ACCESS ALLOWED TO APPROVED PERSONNEL ONLY
SEE GZA PROJECT FILE ADMINISTRATOR FOR ACCESS

Date

cc: BOS

ACTON SCHOOL COMMITTEE
MINUTES

Library
Junior High School

January 27, 1994
7:00 p.m.

Members Present: Lees Stuntz, Steve Aronson, Pamela Harting-Barrat, Jean Butler, Rick Sawyer (7:20), Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, citizens

The meeting was called to order at 7:10 p.m. by Lees Stuntz, Chairperson.

Warrant #94-010 in the amount of \$68,813.58 and warrant #93-110 in the amount of \$325.00 were signed by the Chairperson and circulated to other members of the Committee.

The chairperson welcomed all those present.

Dr. Zimmerman introduced the budget presentations. The total amounts requested at this time are: Personnel - \$7,306,867; Equipment - \$11,363; Materials and Supplies - \$369,241; and Contracted Services - \$2,416,291. She cautioned that these budget copies are preliminary working drafts and should be viewed as such. There will be changes made after the Committee has reviewed the information for accuracy and clarity. Final copies of the budget will be available at Town Meeting.

The following budget presentations were made:

Conant School - Joan Little
Douglas School - Lisette Kaplowitz
Gates School - Jim Palavras
McCarthy-Towne School - Parker Damon
Merriam School - Karen Walker

Art - Dan Leclerc
Developmental Reading - Nancy Kolb
English as a Second Language - Nancy Kolb
Music - Dan Leclerc
Physical Education - Dan Leclerc
Professional Development - Isa Zimmerman

Building Operation and Maintenance - Bill Ryan
Systemwide Buildings and Grounds - Bill Ryan
Systemwide Insurance and Unemployment - Bill Ryan
Systemwide Support Services - Bill Ryan
Systemwide Transportation - Bill Ryan

Several suggestions were made by the Committee and citizens which will be taken into account as the budget is refined and finalized. The Committee appreciated the work done by the Administration in presenting the budget in this new format.

The meeting was adjourned at 10:30 p.m.

Respectfully submitted,
Sarah T. Lawton
Secretary pro tempore

FEB 14 1994

**ACTON-BOXBOROUGH REGIONAL SCHOOL COMMITTEE
MINUTES**

Library
Junior High School

January 6, 1994

Members Present: Pamela Harting-Barrat, Stephen Aronson, Jean Butler, Linda Kroll, Rick Sawyer, Lees Stuntz, Mary Anne Vogel, Donald Wheeler (8:35), Micki Williams

Also Present: Isa Zimmerman, Mac Reid, Bill Ryan, Dan Leclerc, student representatives - Whitney Barrat, Jill Berglind, Jen Johnson, Andy Popelka, Jennifer Wu, citizens and press.

The meeting was called to order at 7:35 p.m. by Pamela Harting-Barrat, Chairperson.

At 7:36 p.m., it was moved, seconded and unanimously

VOTED: To go into executive session to discuss strategies relative to collective bargaining under Chapter 39, Section 23B, paragraph 3. Each member was polled individually and each voted in the affirmative to go into executive session for the stated purpose.

The Committee returned to open session at 7:50 p.m.

The minutes of December 2, 1993 were approved as amended.

Warrant #94-023 in the amount of \$113,407.66, warrant #94-024 in the amount of \$136,877.89, warrant #94-025 in the amount of \$1,313.02, warrant #94-026 in the amount of \$250,043.47, warrant #94-027 in the amount of \$339,394.28, warrant #94-028 in the amount of \$159,788.07 and payroll warrants totaling \$1,232,246.03 were signed by the Chairperson and circulated to other members of the Committee.

Pam Harting-Barrat made a brief statement regarding the apparent divisiveness between the towns and schools caused by the waiver issue. She said that the School Committee members care strongly about the fiscal health of the towns in which they live. They continue to believe that an honest exchange between towns and schools is in everyone's best interest. Because this is a difficult time financially, and with the added mandates of the education reform law, it is essential that both towns and the School Committees work together. The School Committee intends to work proactively towards a productive solution for the total community.

Pam then reviewed the agenda items to be discussed during the meeting.

PUBLIC PARTICIPATION: Doré Hunter, chairperson of the Acton Board of Selectmen, presented two letters from that board to the School Committee. The first requested that the School Committee rescind the student activities fees, so that the town may qualify for a waiver from the state. The second letter requested that the Committee inform the selectmen as soon as possible of their best estimate of anticipated School Choice funds.

The board hopes the schools will send the town at least as much as this year, if not more.

OLD BUSINESS :

1) Approval of 1994-95 School Calendar

It was moved, seconded and unanimously

VOTED: To approve the 1994-95 school calendar as presented.

School will start for students on Thursday, September 8, 1994. Teachers' will meet on Wednesday, September 7. The schedule is one day later than usual, due to Rosh Hashanah.

2) Discussion of Status of Waiver

The selectmen of Acton and Boxborough have asked the School Committee to consider rescinding the student activities fees so that the towns will qualify for a waiver from the state. The Committee has been placed in a difficult position by the education reform legislation. Dr. Zimmerman felt that, even if the Committee decided to rescind the activity fees this year, they could not in good conscience promise never to institute activity fees in the future (a condition for granting the waiver). In addition, it would be very difficult to lose approximately \$130,000 (rescinding fees and paying coaches/programs already contracted/expended). Steve Aronson was concerned that the town was unfairly pitting their employees against the schools, citing the unfair financial advantage they feel the schools have been given by the reform law. The School Committee did not chose this; it has been mandated by the state, and we should not be blamed for the situation. He felt the schools have not done enough re: explaining the facts to the public. Jean Butler asked if there was enough free cash in the town budget; Dr. Zimmerman said it was her understanding (at Municipal Forum) that there was. Mary Anne Vogel thought Boxborough also had sufficient free cash. Micki Williams said people's anger should be directed more appropriately at the legislature. She felt the School Committee is elected to represent the schools and it has an obligation to provide continuity of quality education to its citizens. Lees added that our responsibility is to give a well-rounded education, which includes offering extra-curricular activities. Dr. Zimmerman said that the number of school choice students we can take will decrease next year; therefore, we will have less choice money. Steve emphasized that the new law sets the minimum amount needed to adequately educate students. It was moved, seconded and

VOTED: To reaffirm the present structure of activities fees.

(7 for, 1 against [Kroll], 1 abstention [Wheeler])

Doré asked that the School Committee discuss the School Choice question at some point. Dr. Zimmerman said they are not at a point where a decision can be made.

3) Extracurricular/Cocurricular Activities Fees Policy - First Reading

Dr. Zimmerman made two points: the notion of collecting fees from all students (i.e., universal fee) was not realistic; and the fee was not designed to cover the entire cost of the activity, just the shortfall. The three parts of the policy presented were: 1) Any student participating in the high school marching and/or regional school jazz band and/or regional small ensembles will be assessed a fee of \$50 (\$100 family max.)/year;

2) Any student participating in the elementary band will be assessed a fee of \$15 (\$60 family max.)/year; 3) Any student participating in any high school extracurricular activity to which there is a cost attached will be assessed a single fee of \$25 (\$100 family max.)/year. No student will be denied the opportunity to participate in any activity because of financial inability to pay. Student reps present asked which clubs would require a fee. Student Council members, for instance, would not pay. Advisors would be funded by the appropriated budget. Jennifer Wu was concerned that some teams, such as Debate, have entry fees, etc. that amount to students paying additional amount of money. Dr. Zimmerman said that the aim is to level out the fees; inevitably some will pay more than others. Tom Wachtell, president of ABSAF, asked that the policy be explicit, so there is no confusion. Mary Anne added that we need a system-wide definition as to what the school provides. Rick Sawyer felt the system was too complicated, and would prove to be an administrative nightmare. He suggested charging equal amounts for all activities, including athletics. Dr. Zimmerman said asking \$25 across the board would not cover costs, and a number high enough to cover would be too high. Micki thought booster groups could support students unable to pay fees and channel their fundraising in that direction. Steve said maybe we should have two universal fees; one for athletics and one for everything else. Micki asked by the next meeting that we know where athletic fees will be going next year. Further discussion will be held at the next meeting. School Committee members were asked to call Dr. Zimmerman with any suggestions.

4) Fundraising Guidelines Policy - First Reading

It was decided to discuss this policy at the January 13 Acton Public School Committee meeting, as there will be a larger audience present and it is not necessary to have the discussion twice. The policy will be presented again at the February 3 regional meeting.

5) Report of the Municipal Forum

Pam reported that the last meeting was distressing. At least one selectmen felt MF should disband; many other MF members felt it was still worthwhile. Don said this is a difficult year and the process needs more give and take. Lees would like MF to be a place for open and productive discussion. Jeff McHarg, chair of the Community Coordinating Committee, has observed several MF meetings and thought the problem is that time is spent on procedure vs. what can be accomplished. He hoped the final goal would be a united MF, so that the real issues facing the town can be addressed. Dr. Zimmerman said matters of common concern would be discussed, including the budget. There was discussion as to how much of the MF agenda would be devoted to philosophical goals vs. actual numbers/hard issues.

NEW BUSINESS:

1) Bid Award for Dump and Utility Trucks

Don Wheeler was concerned that this is a capital expenditure in the middle of the year which had not been planned for. He said our credibility suffers when this happens; we should have had a line item in the budget for repair/replacement. He agreed with the need but not the process. Steve asked if it was necessary to replace

vs. repair the trucks. Bill said that it was not cost effective to repair either truck. Responding to Steve's question as to whether we could buy plowing services from the town, Bill said they have had some discussions, but that nothing has yet worked out.

It was moved, seconded and unanimously

VOTED: To award the bid for the five-year lease purchase of a one-ton dump truck and a 3/4-ton utility truck to Commonwealth-Thomas, Inc. of New Hampshire in the amount of \$43,458.

FOR YOUR INFORMATION

- Dr. Zimmerman referred to the following personnel appointments:
 - Colleen Harshbarger as Health Education Instructor (grant-funded);
 - Rosemary Loomis as .6 Social Studies Teacher, replacing Kathy DeSisto;
 - Marjorie Tessier as Interim Junior High Vice-Principal, effective 2/14 - 6/30;
 - Lillian Ramos as Junior High Spanish teacher, substituting for Marjorie Tessier (2/14 - 6/30).
- Junior High Principal brochures and applications have been sent out; the position has been advertised in the *Boston Globe*, the *Beacon*, and local graduate schools have been informed.
- Grant Awards Update. Steve recommended that the public be made aware that these programs are funded by supplemental monies (grants) vs. appropriated budget. They represent a savings of \$387,000 to the regional schools.
- Dr. Zimmerman read her *Interface* article, published in the *Beacon* on 12/30/93, concerning the schools' religious observance policy. Based on parents' concern, Micki suggested that giving gifts to elementary school teachers be specifically addressed in the policy.
- Budget Meeting Schedule. Linda Kroll asked when Boxborough could expect its figures. Don Wheeler was concerned about how the extra money mandated by the reform legislation would be spent. Dr. Zimmerman said a proposal will be brought to the Committee at the February meeting. She anticipates that it will consist largely of items to be purchased, not personnel salaries. Responding to a question about whether there will be a technology warrant article, Dr. Zimmerman said it would not be presented at this town meeting; more planning needs to be done.

WARRANT DISCUSSION: None.

CONCERNS OF THE COMMITTEE

- Jean Butler was concerned that 9:45 p.m. was a late hour to begin the regular school Committee session on February 3.
- Steve Aronson has seen a draft copy of the minutes of the Town of Acton's Master Planning Committee, which mentions the proposed demise of said committee. He suggested the School Committee chairperson contact Anne Fanton, selectmen's representative to the committee, to express the School Committee's opinion that the annual or semi-annual meeting be held, and that we are not in favor of excluding staff from committees, i.e. our superintendent sits on all School Committee meetings.
- Steve applauded the opening remarks of the School Committee chair at the beginning of the meeting. He felt the School Committee is being torn apart in

public; we should take a proactive position, getting the facts out consistently. Pam agreed, and suggested hosting a meeting with members of town boards/committees.

- Lees Stuntz distributed a brochure about a "*Systems Thinking and Dynamic Modeling*" workshop to be held in Concord on June 27-29. The regional school district is one of the sponsors.
- NEXT MEETING - February 3 - 7:00 p.m., Executive Session, Room 114
- 7:45 p.m., Regular Session, JH Library
February 5 - 8:45 a.m.-1 p.m., JH Library
February 15 - 7:00 p.m., JH Library

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Sarah T. Lawton, Secretary

CC: BOS

Notice of Funding Availability
HOME Investment Partnerships Program
February 1994

FEB 14

The Executive Office of Communities & Development is pleased to announce the availability of \$5 - \$6 million in federal HOME funds for the following purposes:

- I. **Rental production:** To support the acquisition and/or rehabilitation of multifamily rental projects;
- II. **Project-based homeownership:** To support the acquisition and/or rehabilitation of homeownership units for sale to first-time buyers (Note: In some circumstances, applications will be accepted for new construction projects.);
- III. **Purchaser-based homeownership:** To support the provision of downpayments, closing costs assistance, and/or interest subsidies for first-time buyers.

As of February 7, 1994, EOCD will begin accepting funding applications for these three HOME programs. Subject to the continuing availability of funds, applications will be accepted until May 1, 1994, and will be reviewed on a rolling basis according to competitive criteria.

A. Evidence of Local Support

Each application for HOME funds must be signed by the chief elected official of the municipality that will benefit from the project. Any application submitted without the signature of the chief elected official will be returned to the project sponsor without being reviewed.

B. Summary Information for Each Program Type

Summary information on eligible applicants, projects, or programs is as follows:

Rental production: Eligible applicants are non-profit or for-profit developers. Applications must be submitted on EOCD's One-Stop application disk and forms. To offset the costs associated with underwriting HOME rental production applications, a non-refundable application fee will be charged. EOCD's funding preferences for rental production applications are set forth in the HOME Rental Housing Guidelines dated February 1994. Eligible applicants may contact EOCD's Division of Private Housing to obtain One-Stop computer disks and current HOME Rental Housing Guidelines.

Project sponsors who wish to apply for an allocation of 1994 low-income housing tax credits in combination with state HOME funds may do so at this time. However, until the 1994 tax credits qualified allocation plan has been approved, a full review of the tax credits components of the One-Stop application will not begin. (Note: For

developers interested only in tax credits, EOCD anticipates announcing a formal tax credits competition in April 1994.)

Project-based homeownership: Eligible applicants are non-profit or for-profit developers or municipal entities in partnership with experienced developers. Eligible applicants may contact EOCD's Division of Private Housing to obtain the project-based homeownership application package, which includes information on EOCD's funding preferences. To offset the costs associated with underwriting HOME project-based homeownership applications, a non-refundable application fee will be charged. Sponsors of new construction ownership projects must demonstrate to EOCD's satisfaction (1) that the local housing market can absorb new construction units, and (2) that a shortage of units suitable for rehabilitation and sale exists in that market.

Purchaser-based homeownership: Eligible applicants are municipal entities. Eligible applicants may contact EOCD's Division of Private Housing to obtain the purchaser-based homeownership application package, which includes information on EOCD's funding preferences. No application fee will be charged during this competitive round.

C. General Funding Preferences

For rental production or project-based homeownership, the following funding preferences generally will apply:

- . The request for HOME funds should not exceed \$30,000 per HOME-assisted unit;
- . The total request for HOME funds should not exceed \$500,000 per project.

In addition, each application for HOME funds currently available must represent a project or a purchaser-based ownership program that is ready to proceed. Projects or programs that are in early stages of development will not be competitive during this funding round.

If a project is located in a HOME entitlement community, the application should include evidence of the municipality's willingness to support the project with some of its own HOME or CDBG funds.

D. Availability of Applications and Guidelines

Additional information on funding preferences is included in the HOME Rental Guidelines and in the homeownership application packages. The guidelines and packages now are available at EOCD. To obtain an application package(s), please complete the next page of this memorandum and return it to:

HOME Program
Executive Office of Communities & Development
Division of Private Housing
100 Cambridge -- 18th floor
Boston, MA 02202 .

Please send one copy of the following application package(s):

- ☐ HOME: Rental Housing Guidelines (February 1994)
- ☐ HOME: First-Time Homebuyer Purchaser-Based Assistance
- ☐ HOME: First-Time Homebuyer Project-Based Assistance

Name: _____

Organization: _____

Address: _____

Telephone #: _____

(Please note: Application packages cannot be faxed.)

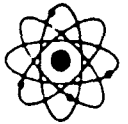


Minuteman Tech

Minuteman Regional Vocational
Technical School District
758 Marrett Road
Lexington, MA 02173-7398
Telephone 617-861-6500

CC: BOS

Science-Technology High School
and Adult Career Center

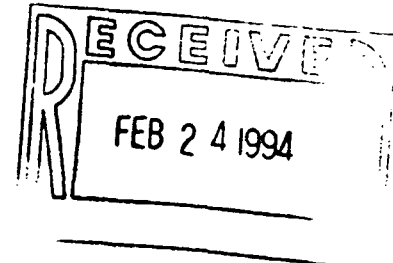


Fax 617-863-1747

February 22, 1994

Subject: Special Assessment Report
IMPORTANT

- To: 1. Chairpersons of Boards of Selectmen
2. Chairpersons of Fincoms
3. Town Executive Officers
4. Other Interested Parties



I attended a meeting of regional school and Department of Education representatives on Friday, February 18, 1994. On the basis of that meeting, I must report that:

1. We cannot forward official assessment figures to any town since state figures are not official and many procedural questions need to be resolved. Indeed, the situation is even worse than it was last year!
2. The state might (?) insist that we follow assessment calculation procedures that hurt some of our member towns even more than we have calculated so far. There is a listing of towns that could be harmed financially:

Town	Assessment if by Agreement	Last Guest at Worst Figure	New Worst Case Figure
Acton	463,164	497,496	512,045
Arlington	2,229,199	2,229,199	2,250,651
Belmont	456,664	456,664	469,686
Boxboro	185,414	185,417	188,857
Carlisle	120,017	149,107	154,193
Concord	353,052	359,941	372,925
Lincoln	98,602	98,898	104,916
Needham	506,086	522,929	537,366
Sudbury	313,488	313,488	314,265
Wayland	237,662	237,662	240,902

This is the result of a state system that sets cost/pupil for Arlington and Belmont higher than for Dover and Weston.

3. Obviously we want to avoid such massive changes. In that regard, I have:
 - a. FAXed and mailed basic questions to the Department and will try to get answers this week.
 - b. Filed the enclosed (yellow sheet) legislation. NOTE: We need municipal help on this because to many regions are focused on "following" as opposed to "correcting" the law.

- OVER -

Acton
Arlington

Belmont
Bolton

Boxborough
Carlisle

Concord
Dover

Lancaster
Lexington

Lincoln
Needham

Stow
Sudbury

Wayland
Weston

- b. Filed the enclosed (yellow sheet) legislation. NOTE: We need municipal help on this because to many regions are focused on "following" as opposed to "correcting" the law.
 - c. Arranged to be available at Minuteman Tech at 7:30 p.m. on Tuesday, March 1, 1994, to meet and discuss issues with any town officials who want to review and discuss what will probably be my final recommendations to the Minuteman School Committee, assuming that our questions to the state are answered.
4. Again, I recommend that any town in the item #2 list above keep its warrant options open OR budget the highest new figure shown in that list (last column) even though we hope to avoid those final column figures. As disagreeable and frustrating as this might be for the time being, it is better than getting caught in a bind with the Department of Revenue.

This entire assessment situation can best be described as an absolute "mess" of state regulations for regions with many member towns, shifting populations, and/or a focus on non-assessment revenue raising. Towns belonging to two-town regions should not experience the same degree of problems. However Minuteman as a 16-town district really needs your patience, support, and lobbying assistance (on proposed legislation) at this point as we face these realities:

1. Given our non-resident population, state foundation calculations for Minuteman are meaningless. These are not what are causing the problem.
2. While recalculation of our Schedule 19 for state reporting have led to a functional position as follows:

State Guidelines	Minuteman Proposal
a. Minimum town contributions, NOT including transportation and equipment (i.e. state mandated) = <u>\$6,136,424</u>	Total assessment to towns = <u>\$6,339,166</u> or \$378,135 below state guidelines.
b. Transportation less aid = <u>\$251,924</u>	
c. Equipment = <u>\$328,953</u>	
d. a+b+c = <u>\$6,717,301</u>	

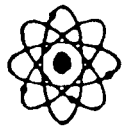
That generally favorable position is seriously undercut by state procedures that make a shambles of the cost-sharing regional agreement. See below.

3. In simplest form, state procedures do not recognize relative enrollment shifts. Therefore, assessments that would be calculated under state guidelines assign very different costs to different member towns. Assessments per pupil would vary from \$6,205 to \$17,133 (or \$6,283 to 15,419 using different state counts). Dover's assessment per pupil would be \$2,616 less per pupil than Arlington's! Such state-guided figures are NOT equalizing except where that happens by accident. If municipalities and regions do not insist on correction, management in a region of Minuteman's size and composition will have a chaotic and unpredictable impact on annual town financing. Help!

c.c. School Committee Members

Sincerely,


Ron Fitzgerald
Superintendent



February 8, 1994

PROPOSED EMERGENCY LEGISLATION **ON REGIONAL SCHOOL ASSESSMENTS TO MEMBER COMMUNITIES**

Any previous legislation notwithstanding, the process for assignment of regional and county school district assessments to member communities will be:

1. For each fiscal year, the Department of Education will use community statistics under the Education Reform Act of 1993 to calculate a TOTAL minimum assessment for each Region that is the sum of the calculated theoretical minimum local contributions of its member communities based on their previous October 1st enrollment in the region.
2. Once this TOTAL minimum assessment is calculated, the regional agreement will then prevail in calculating actual assessments of each member community according to these criteria - -
 - a. The aggregated actual assessments must reach the TOTAL minimum assessment calculated after subtraction of Chapter 70 aid by the Department of Education plus additional amounts for transportation, food service, community service, fixed assets, and debt service except as provided in subsection "b" below.
 - b. The aggregated actual assessments may be reduced by two thirds vote of the regional school committee with portions of any non-grant regional revenue including but not limited to state transportation aid, school building assistance aid, and tuition including that from a CHOICE program.
3. Waivers of state law or regulations on fiscal requirements for regional school districts may be sought by a regional school committee. Any waiver related to a region will be granted only on the basis of relevance to all of its member communities and proper support of the Education Reform Act of 1993 as judged by the State Board of Education and its Commissioner.

COMMENTS:

1. Current state fiscal procedures under new law are not only NOT working for regions, they are destroying regional management and generating completely unnecessary negative reactions to an important reform law.
2. Some simple examples are:
 - a. Aid dollars do NOT follow student populations that can shift drastically from year to year in a region (unlike an individual city or town district). This means that the state procedure is completely dis-equalizing. For example, in current state procedures, here is the FY'95 aid per pupil assigned to two towns in one region:

Dover = \$6,198

Lancaster = \$2,965

- OVER -

Acton
Arlington

Belmont
Boston

Boxborough
Carlisle

Concord
Dover

Lancaster
Lexington

Lincoln
Needham

Stow
Sudbury

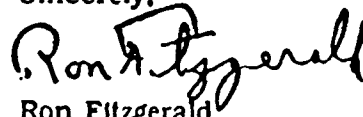
Wayland
Weston

This happens as enrollment shifts and aid does not. Of course, in a region with potential population shifts among member communities, aid should be grandfathered at the region level and not to an individual community. THE ABOVE PROPOSAL MAKES THIS POSSIBLE by letting regional agreements operate. Under regional agreements, aid is used to reduce assessments on the basis of community-specific enrollment; this is much, much more equalizing than what the state is doing now.

- b. Some agreements have provisions for important count/program adjustments after October 1st. The state now is using a simple October 1st date regardless of local program variations. The state should use October 1st figures but then local variations should be allowed by agreement.
 - c. If a region gains a large number of CHOICE tuition students, it gains a larger enrollment base that should result in both increased expenditures and scale-of-operations savings for member communities. Yet, although statutes appear to give a school committee the right to use CHOICE revenue at its discretion, a recent state directive actually prohibited use of any portion of CHOICE revenue to reduce assessments. Such a prohibition is economically illogical. State policy is actually working against mutual benefit among communities and customers! Again, THE ABOVE PROPOSAL WOULD CORRECT SUCH MISDIRECTED PROCEDURE by letting regional agreements approved by voters operate.
3. Some folks sincerely worry about changes as something that might allow districts to escape new required minimum expenditure levels. Current regulations prevent that and are NOT changed by this proposal.
 4. Well over 80% of cities and towns belong to regions. A large number of regions have been thrown into fiscal chaos by preliminary FY95 state figures that do not recognize enrollment shifts and do not allow voter-approved regional agreements to operate properly. Meanwhile, local boards are right at the point NOW where they must define warrants for town meetings or city council action for FY95. **REGIONS AND MEMBER COMMUNITIES NEED EMERGENCY HELP AS FAST AS POSSIBLE TO END THIS CHAOS.** This is not something that should wait for a study committee.
 5. In general, more recognition should be restored to the operation of regions as a governmental vehicle with details of fiscal sharing defined by member communities. State level working with details cannot possibly be sensitive to those details in many different agreements. For example, waivers, if granted at all, should be "by region" and not "by town" because granting waivers to some but not all communities in a region would leave the region unable to assign costs fairly. **THE ABOVE PROPOSAL DOES THIS;** it restores recognition of the existence of regions governed by locally designed agreements.
 6. If proper action is not taken rapidly, current state procedures and many regional agreements are incompatible. In many cases, "fair" assessments cannot even be calculated for FY95 given the disruption and dis-equalizing impact of existing state procedures.

We need state leadership and help as fast as possible.

Sincerely,


Ron Fitzgerald
Superintendent

- c.c.
1. Regional School Leaders
 2. Other Interested Parties

3 Maillet Dr.
Acton, Mass 01720
2/16/94
897-5332

cc: Acton Selectmen

Dear Editor,

At the April Town Meeting citizens of Acton will be asked to donate 4 acres of land along Adams Street to the Community Housing Board be used for an affordable housing project. As one of many neighbors opposed to this project, I feel it is important for our fellow residents to understand why we can not support the proposal. This letter will address the critical environmental issues involved.

Adjacent to the parcel of land in question is the Maynard Water Treatment Facility. The existing forest is an extremely valuable buffer zone which spares the neighborhood the smells and lights of the plant. This wooded area of Adams St. also maintains a rural character to this section of South Acton which is threatened by a number of nearby small businesses, auto dealerships, a shopping center with Acton's only 24 hour a day store (^{PURITY}~~Finest~~) and traffic along Rte 62, High St. Parker St. and Adams St. The forested area significantly reduces the sounds and sights we wish to avoid. While the repair of the Rte 27 railroad bridge is underway, even more traffic can be expected in this area.

The Adams St. land represents the last significant open area in S. Acton. At present it also serves as a recreational area for the entire town to enjoy if they wish. The varied terrain makes it interesting for hiking and even includes fishing on the Assabet at the end of Old High St. However this varied terrain also makes development of the property particularly sensitive to environmental changes. Massive fill would be required to provide even minimal flat areas on a number of the plots. This would lead to a disproportional loss of forested areas. According to the town forester, the sandy soils, drought and gypsy moths activity have already prevented denser growth. Any construction would subject the remaining forest to stresses sufficient to cause additional tree death even when the shallow roots are not destroyed directly by heavy equipment. The forest is presently unable to contain all the odors from the water treatment plant.

Destruction of any of the forested area will increase the number of homes exposed to the noxious odors including Maillet Dr., Parker St., Carlton Dr., Putter Dr., Robert Rd., Puritan Rd., and High St. We are frankly baffled to hear

suggestions that houses could be placed on the land without experiencing environmental problems. Placing homes within clear sight and smell of the water treatment plant is absurd. When a mature forest is unable to completely contain all associated problems it is ludicrous to believe that some extra planting will provide significant visual screening. Nor will additional plants prevent the smells from exiting readily into the neighborhood once trees have been cut for a street, driveways and yards.

Our neighbors are unified and resolved in our opposition to this project. It is hoped that as you read additional editorials you will agree with us that each issue addressed provides sufficient justification for rejecting the proposal and when taken together citizens will recognize the potential negative impact on the quality of life for each resident of Acton.

Bruce Hettick

Bruce Hettick

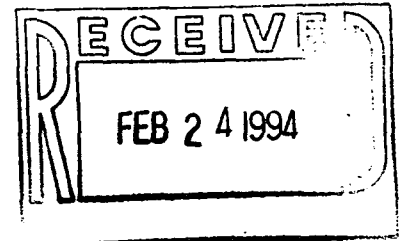
cc: BOS

Water Supply District of Acton

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

TELEPHONE (508) 263-9107

FAX (508) 264-0148



WATER SUPPLY DISTRICT OF ACTON
HARLAN TUTTLE BUILDING
693 MASSACHUSETTS AVENUE
ACTON, MA 01720

FEBRUARY 28, 1994

AGENDA:

7:30 P.M. CALL TO ORDER
7:31 P.M. COMMENTS FROM CITIZENS AND OPEN DISCUSSION
ACCEPT MINUTES OF MEETING FEBRUARY 18, 1994

NEW BUSINESS

WARRANTS & COMMUNICATIONS

ASSIGN WARRANT ARTICLES

WATER WORDS

NORTH ACTON RECREATION AREA

BID OPENINGS - MARCH 14, 16, 1994

OLD BUSINESS

EMPLOYEE MANUAL

HUNTING REGULATION

NEW OFFICE BUILDING

DRAFT

**SELECTMEN'S MEETING
FEBRUARY 1, 1994**

The Board of Selectmen held their regular meeting on Tuesday, February 1, 1994 at 7:30 P.M. Present were F. Dore' Hunter, Anne Fanton, William Mullin, Nancy Tavernier, Norm Lake and Town Manager Johnson.
{Representatives from cable were present}

CITIZENS' CONCERNS

None expressed

Chairman Hunter offered his condolences on behalf of the Board to the family of retired Firefighter William Soar.

Chairman Hunter announced the LWV Forum scheduled for Wednesday February 9, 7:30 P.M. school/town budgets to educate public on how budgesa re prepred. Dore' noted school has begun their budget presentations. Dore' again asked for feedback on the budget process and read a prepared statement.

PUBLIC HEARINGS AND APPOINTMENTS

TOWN MANAGER'S FY95 DETAILED BUDGET PRESENTATION

Don discussed his budget which represents a .31% decrease from the FY94 B budget includes fixed cost and maintenance of existing services. New growth could be up around \$500,000.

Bill Mullin noted that he had concerns with the expense side but was befuddled by the revenue side. Bill asked about Excise Tax numbers. Don said that we appeared to be 25% below last year based on collection figures. Bill asked about the percent of Real Estate Tax collections. John said we are currently at 96%. John further outlined capital and overlay reduction items that affect the budget.

Don discussed the need to replace the ladder truck. It was suggested that the truck be replaced immediately and leased for the first year, take the purchase to Town Meeting as an Article to bond at Town meeting. It was anticipated that it would be in the \$450,000 range.

Nancy Tavernier spoke about the format and felt the first page of the warrant gives costs and functions and was helpful.

Anne asked about using the \$130,000 gift to fund some part of COA center, and the funds to offet budget funding.

Bill and Dore' wanted the base to base put in writing as to that it would be easy to follow.

Nancy asked for formatting change on Page 3 to have same list starting with \$1, on new salaries, program, similar to last year. She felt that the Police cruiser stay in operating budget as it is essential to the operation.

Jan Edry asked about personnel director and the schools. Dore' explained that the school had not presented the most favorable proposal with respect to dollar savings. Janet Murphy commended the Town Manager on the direction the budget was taking and asked about possible pyramid approach to any override choices offered.

Dore' discussed that while he felt the Town side would not be seeking an override, he felt the local school would be going to ask for one.

Dore' asked for the Board's opinion about presenting an "A" budget at Town Meeting. Nancy felt that we should ask them to present the B budget or an "A" Contingent on successful override. Norm was concerned with presenting anything but a balanced Budget to Town Meeting. Norm wanted agreement regarding any monies above minimum mandate budget subject to override. It was the consensus of the board that the school needs to prepare a "B" budget for local schools. Dore' will let the Municipal Forum know the Board's feelings.

PRELIMINARY WARRANT ARTICLE DISCUSSION

Dore' updated the board on his meeting with the LHDC. They discussed his suggested changes and will most likely move forward with his changes.

Their apprears to be some outstanding capital items pending from the school that will need action.

Don Johnson will have a more complete listing of potential articles for the next meeting for board review.

CONSENT CALENDAR

ANNE FANTON - Moved to accept the Consent Calendar as submitted with the addition of the gift to the Civil Defense Agency. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

OVERRIDE QUESTION - The Board again discussed the decision not to seek an override for the Town Budget this year. The Board will send a letter to the Editor stating that we will not be seeking one.

SIGN REQUEST - Anne asked for the regulations for review. NANCY TAVERNIER - Moved to Approve the request for placement on the traffic island with removal immediately after the production. BILL MULLIN - Second. UNANIMOUS VOTE.

RESIGNATION OF MUNICIPAL FORUM FACILITATOR - NORM LAKE - Moved to designate the Municipal Forum Facilitator as a Special Employee. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SEWER ARTICLE LANGUAGE DISCUSSION - Anne mentioned language in the material that Nancy had researched and asked if the wording left the Board of Selectmen any option when no Federal or State funding was available, and did it bind us? Dore' felt legally no, but morally, it was debatable.

TOWN MANAGER'S CONCERNS

LADDER TRUCK - Don explained the proposal to enter in to a one year lease which would have a clause that if we could not get approval at town Meeting for the funds to purchase it we would return it. The revenues from the "freeze" of last fall would be used to pay the lease of approximately \$55,000.000. NANCY TAVERNIER - Moved to approve the lease with the funding out provisions mentioned. ANNE FANTON - Second. UNANIMOUS VOTE. Bill was concerned that the snorkel truck replacement would be addressed with this one piece. He encouraged the replacement of two pieces with this one piece. Chief Craig explained that he has been calling the manufactures of this type of vehicle and will try to accomplish the two for one if a piece of equipment is in stock and available to lease when he firms up the search.

EXECUTIVE SESSION

BILL MULLIN - Moved to go into executive Session for the purpose of discussing negotiations.

The Board adjourned at 10:30 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(486)

**EXECUTIVE SESSION
FEBRUARY 1, 1994**

NEWSC

Don Johnson outlined the issues that they are facing with regard to trash delivery and origination definitions as it affects Dick's ability to manage the tonnage. If we take action we might get involved in litigation with NESWC. Norm felt if we could identify the trash to go for it.

The Board adjourned at 11:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(486)

JANUARY 28, 1994

TO: Board of Selectmen
FROM: F. DORE' HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

FEBRUARY 1, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 CHAIRMAN'S MINUTE
2. 7:45 TOWN MANAGER'S FY95 DETAILED BUDGET PRESENTATION

III. SELECTMEN'S BUSINESS

3. OVERRIDE QUESTIONS - Enclosed please find Chairman Hunter's Memo of January 25 as well as backup information regarding Override Options reviewed by the Board last Spring for discussion.
4. LOCAL SCHOOL BUDGET - Enclosed please find a memorandum from the Chairman concerning the Local School's Budget Presentation.
5. REQUEST TO PLACE SIGN ON TRAFFIC ISLAND- Enclosed please find a request from the Drama Club and staff comment for Board action.
6. DESIGNATION OF MUNICIPAL FORUM FACILITATOR AS SPECIAL EMPLOYEE - The Board needs to make this designation for purposes of the Conflict of Interest Laws.

IV. CONSENT AGENDA

7. KENNEDY ESTATES - STREET ACCEPTANCE - Enclosed please find the Notice of Public Hearing that requires Board signature. The formal Public hearing is scheduled for March 1, at 7:45 for Board action.
8. ONE DAY LIQUOR LICENSE - Enclosed please find a request from Chez Claude for a One Day Liquor license for Sunday, February 13 and Sunday, February 20th for Board action.

9. WETHERBEE STREET BRIDGE POSTING - Enclosed please find staff recommendation for a bridge posting to be voted by the Board.
10. VARNUM TUTTLE FUND REQUEST - Enclosed please find a request and staff comment for Board action.

V. TOWN MANAGER'S REPORT

11. LADDER TRUCK - The Town Manager will discuss this problem with the Board after the FY95 Budget Presentation and make a recommendation for resolution.

VI. EXECUTIVE SESSION

MEETINGS

- April 10, 1994 2-4 P.M. - Open House Senior Center

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

Feb 16, 1994

ACHC - ADAMS STREET

March 1, 1994

Kennedy Lane - Street Acceptance

Saab Class I review

March 15, 1994

Metropolitan Deli - Special Use Permit

Common Vic

Costa Donuts - Special Use Permit

Common Vic.

Possible discussion on the NARA/Bldg. Commissioner

Draft

**SELECTMEN'S MEETING
FEBRUARY 15, 1994**

The Board of Selectmen held their regular meeting on Tuesday, February 15, 1994 at 7:30 P.M. Present were F. Dore' Hunter, Anne Fanton, William Mullin, Nancy Tavernier, Norm Lake and Town Manager Johnson.
{Representatives from cable were present}

CITIZENS' CONCERNS

None expressed

Chairman Hunter announced to the citizens attending and viewing that the Board would be discussing budgets and articles for the upcoming Annual Town Meeting. He reiterated that the Board intended to attempt to adhere to the scheduled agenda as printed.

PUBLIC HEARINGS AND APPOINTMENTS

**BOSTON EDISON
POLE LOCATION - NAGOG HILL ROAD**

ANNE FANTON - Moved to approve. NORM LAKE - Second.
UNANIMOUS VOTE.

**BOSTON EDISON
POLE LOCATION - HORSESHOE DRIVE**

ANNE FANTON - Moved to approve. NANCY TAVERNIER - Second.
UNANIMOUS VOTE.

**BOSTON EDISON/NEW ENGLAND TELEPHONE
JOINT LOCATION - SCHOOL STREET**

NANCY TAVERNIER - Moved to approve. ANNE FANTON - Second.
UNANIMOUS VOTE.

**BOSTON EDISON/NEW ENGLAND TELEPHONE
JOINT LOCATION - HOSMER STREET**

NANCY TAVERNIER - Moved to approve. ANNE FANTON - Second.
UNANIMOUS VOTE.

ACHC - ADAMS STREET PROJECT

Steve Graham on behalf of the ACHC presented the housing plan as revised to reflect 8 units on 4 acres at the proposed Adams Street land. They have revised the plan to incorporate the concerns of the Town Departments and neighborhood residents. The ACHC has asked that the article placed on the Warrant and that the Board of Selectmen prepare a Request for Proposals. They

urged the Board to put conditions in the RFP to reflect pricing in the area prescribed under State guidelines. They anticipate that the price would be in the \$94,500 range so that a family with an income in the low 30's to 38,000 will qualify for lending. They have spoken to some lenders and will talk more as information comes in.

Dore' asked about possible sewer tie-ins with Maynard in the future. They have adjusted the plan to reflect the concerns about future tie-ins and have left a 50 foot boundary buffer to use as an easement if needed in the future.

Anne asked about the locus with relation to the Maynard treatment plant. She was concerned about outstanding issues, and wants to have all the citizens concerns addressed before Town Meeting. She wanted to know if the odor problems mentioned by the neighborhood had been addressed. She asked if they had done any investigation into the issue of odor. Steve Graham said they will minimize the tree removal and hopefully it won't be an issue and noted that the odor could be addressed when the plant is upgraded.

Bill Mullin remarked that he had asked for a package of information which addressed the pro-forma, ground leasing options and has asked for these materials on two occasions. Steve Graham said that they would provide the materials as they were developed. Steve said that the Town has committed itself to the goal of affordable housing. Bill asked what dollar amount should be contributed. Steve felt the project would bring monies back to the Town in the form of tax revenue and would help address the Town's desire to present and maintain affordable housing stock.

Dore' said that the issue of is it practical, and should the Board of Selectmen put the article on the Warrant needed to be addressed. If the Article was on the warrant the action of citizens would decide if we should move forward to the RFP stage.

Nancy felt it was important to continue to move forward with the project and to provide affordable housing. the ACHC was formed to gain control from the State. She said this is not a dollars and cents group. She felt the Board would have the right to control the project under the RFP guidelines.

Bill asked for issues to be resolved such as any curb cuts on Adams Street, zero lot lines, and possible ground lease options prior to the next presentation.

Julian Horne of 5 Malliet Drive spoke against the project. He cited issues of sewage odor problems already existing in the neighborhood. They are concerned that the property would be given away and this would increase the financial obligation of the Town. He was concerned that the proposal would lower existing neighborhood values. He further talked about the notation to the Master Plan which promotes affordable housing as

a community goal. He felt that the other more important goals of the Master Plan to preserve the quality of life for existing citizens and to preserve open space were not being met by the creation of this neighborhood.

Anne Fanton noted that the Town of Acton was not at the State mandated 10% affordable housing levels and cautioned that the Master Plan did not prioritize goals developed by it.

Louise Mussier of 29 Adams Street asked about zoning issues with regard to the number of units allowed per 1/2 acre lot. Staff responded that the plan as proposed fell into the acceptable ratio.

NANCY TAVERNIER - Moved to include the article to transfer four acres presently held for sewage disposal purposes to affordable housing usage. NORM LAKE - Second. UNANIMOUS VOTE.

Bill Mullin urged them to submit a pro-forma before the next presentation as well as tax advantages/disadvantages. Dore' asked ACHC to provide wording for the article to town staff as soon as possible for inclusion.

FY95 DETAILED BUDGET PRESENTATION

The Board began to discuss the program/capital request list with regard to items being suitable for bonding and inclusion in departmental operating budgets.

Dore' asked if the re-val update, ladder truck and cruisers might be appropriate for capital budgets or articles. Nancy felt the ladder truck would be a bond issue, cruisers have been carried as a budget item as they are replaced so frequently. Nancy also felt that if we set these out separately what would be done if they were defeated. Dore' wanted to continue to carry it in the budget. Bill advocates we use more of our bonding capabilities to use the money for operations. Police Cruisers were under base B budget, Re-val was mandated and should be included in the Base B Budget.

Don updated the Board on the meeting held today concerning computer options. He feels comfortable recommending a lease program for the computers used by Accounting and police at around \$25,000/year. It would give the Town a chance to evaluate before purchasing, we could see what issues could be resolved. Dore' commented that it would work well since the schools had chosen to delay their technology article.

Anne wanted to use the \$130,000 in the gift account to offset the operation of the senior center. Nancy wanted to see some of the fund retained to fund housing for elderly.

Anne questioned the Planning Asst. Salary. Part of the secty's salary now was reflected in the Engineering budget.

Bill asked about actual vs budget expenditures for FY94. Roy responded that a print out could be forwarded.

Bill further questioned the increase in the Assessor's budget. Staff explained that the increase reflected expert witness fees for appellate tax hearings. It was explained that if we include this it will allow us to decrease the overlay amount that is held. Bill asked if we were on target with regard to our legal budget. Don responded that we are within 10% and have budgeted 10% above for anticipated increase for land use issues.

The ladder truck was discussed and felt it would be a contingent expense and put on as an override question.

Nancy wanted to move the computer lease to the budget. The Computer Upgrade revised figure is now \$18,000 and the Computer study is dropped with the police upgrade reduced to \$6,000.

Norm discussed the E-911 communication center and felt it could be bonded.

Sidewalks- Nancy felt they should be contingent on override and moved down the list. Ann wanted them off the list.

Four Wheel Drive - Bill felt we could not justify the 4-wheel. Dore' questioned the dire need expressed last year for replacement.

Impact Fee Bylaw - Anne questioned the possibility that it should come off if an expenditure would be better used for negotiating.

Summer Help - This money includes a Engineering CAD Operator.

Mobil Data Units - Norm asked if it could be bonded - Nancy Tavernier thought it was too small.

Exhaust Fire - Dore' felt comfortable doing West this year and holding off on the other two stations.

Loader - No comment -no detail - Bill asked to bond this purchase.

Alarm Panel - No comment

Municipal HVAC - No comment

Sign Truck - Bond?

Traffic Signal- no comment

Mobil Data terminal - no comment

Exhaust Fan South Acton - No Comment

Cemetery Bldg. - A vote to redesignate money to reflect change - warrant article needed.

Garage Roof Police Station - No comment

Kelly Corner - No comment

Expansion Library - This would include money for expansion of the footprint.

Paving - Dore' asked if the money could be subdivided and noted it does not reflect Chapter 90 funds.

1 Ton truck replacement- No comment

Hydrology - No comment

Fire Prevention Officer - Dore' questioned the need. Anne noted our placement of Fire services as compared to other communities. The Board agreed to strike this item.

Memorial Library Additional Labor - to group in override question.

Landfill Cap - Strike

Side saddle truck - strike

Bill felt that capital should be bonded and salaries put in operating budget, and to group remaining items in an override question.

Don asked the Selectmen to send him any remaining concerns on the grouping of the items before Friday noon so that he could incorporate them into a updated list for Tuesday.

PRELIMINARY WARRANT ARTICLE DISCUSSION

Dore' suggested the Board hold a special meeting on Tuesday to continue the budget discussion as well as to discuss the warrant. The Board will reconvene on Tuesday, February 22, at 7:30 to continue.

CONSENT CALENDAR

NORM LAKE - Moved to accept the Consent Calendar as submitted. NANCY TAVERNIER - Second. UNANIMOUS VOTE.

SELECTMEN'S BUSINESS

MPCC - Anne offered to organize and plan the meeting. Dore' offered to chair. Bill Lawrence will remain the liaison. NANCY TAVERNIER - Moved to accept the items listed under Item four of Anne's memo (attached) BILL MULLIN - Second. UNANIMOUS VOTE

GIRL SCOUT REQUEST - The Board had no problem with this request.

COFFEE SALES AT COMMUTER LOT - The Board did not have a problem with this request. Staff was asked to contact the requestor to let her know that a canteen truck currently is servicing the lot.

MARSHALL PARCELS - NANCY TAVERNIER - Moved to not exercise the Town's Right of First Refusal with respect to Lots 8, 9 and 10 Carlisle Road - NORM LAKE - Second. UNANIMOUS VOTE.

TOWN MANAGER'S CONCERNS

NARA - Don asked if the Board wanted to handle this project the same as Town hall Expansion/renovation. The Board agreed that it would be best handled in the same manner. Nancy Tavernier will be the Board member assigned for review purposes.

EXECUTIVE SESSION

BILL MULLIN - Moved to go into Executive Session for the purpose of discussing potential litigation.

The Board adjourned at 11:45 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(488)

EXECUTIVE SESSION
FEBRUARY 15, 1994

MOBIL OIL SIGN

Don Johnson briefly discussed the West Acton sign issue. He asked the board for authorization to have counsel draft a letter to tell them to get the sign removed as the Building Commissioner feels that they are stalling. Anne asked that she be allowed to call Ann Forbes of LHDC to ask them to take the advice given by staff.

Anne asked if it was something we really needed to pursue. Don and Dore' felt we should hold them to the same standards as Acton has.

The Board adjourned at 12:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(488)

FEBRUARY 11, 1994

TO: Board of Selectmen
FROM: F. DORE' HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA

ROOM 204

FEBRUARY 15, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. 7:31 CHAIRMAN'S MINUTE
2. 7:32 BOSTON EDISON - Nagog Hill Road - Enclosed please find petition information and staff comment for Board action. This paper work formalizes the Emergency Hookup that the Board previously approved.
3. 7:33 BOSTON EDISON - Horseshoe Dr. - Enclosed please find petition information and staff comment for Board action. This paper work formalizes the Emergency Hookup that the Board previously approved.
4. 7:34 BOSTON EDISON/NEW ENGLAND TELEPHONE - School Street - Enclosed please find petition information and staff comment for Board action.
5. 7:35 BOSTON EDISON/NEW ENGLAND TELEPHONE - Hosmer Street - Enclosed please find petition information and staff comment for Board action.
6. 7:45 ACTON COMMUNITY HOUSING CORP. - The ACHC will be in to update the Board on the Adams Street project.
7. 8:00 FY95 BUDGET AND WARRANT DISCUSSION

III. SELECTMEN'S BUSINESS

8. MPCC - Enclosed please find minutes from Vice-Chairman Fanton outlining recommendations and future of MPCC as well as offering to organize the Annual Meeting proposed under Itme 4.

9. GIRL SCOUT REQUEST - Enclosed please find a request on behalf of the Girl Scouts to sell cookies at the commuter lot on March 4 from 5-7 P.M. for Board action.
10. PROPOSED COFFEE SERVICE - Enclosed please find a request and staff comment on the application of Ms. Hillstrom to sell coffee at the commuter lot.
11. MARSHALL PARCELS - Lots 8,9, and 10 - Enclosed please find the notification under MGL 61 section 8 that the MSM Trust has received a bona fide offer to purchase as well as staff comment regarding these three parcels for Board review and action. A Locus Plan will be available for Board review on Tuesday evening.

IV. CONSENT AGENDA

12. MINUTES - Enclosed please find minutes of January 4, 1994 for Board approval.
13. ONE DAY LIQUOR LICENSE - Enclosed please find a request for a One Day Liquor License from the Congregation Beth Elohim Sisterhood for a One Day Liquor license in conjunction with their Passover Food and Wine Sale or Board Action.
14. THANK YOU LETTER - Enclosed please find a letter drafted by Anne Fanton to those that participated in the preparation of the Amicus brief for Board review and action.

V. TOWN MANAGER'S REPORT

15. NARA- Enclosed please find staff correspondence regarding the NARA. The Town Manager will seek Board direction on the issue raised in the memo.

VI. EXECUTIVE SESSION

The Town Manager has asked for an Executive Session.

MEETINGS

- April 10, 1994 2-4 P.M. - Open House Senior Center
PLEASE NOTE!!

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

March 1, 1994

Kennedy Lane - Street Acceptance
Saab Class I review

March 15, 1994

Metropolitan Deli - Special Use Permit
Common Vic
Costa Donuts - Special Use Permit
Common Vic.
NARA/Bldg. Commissioner Public Meeting

Don

**SELECTMEN'S MEETING
FEBRUARY 22, 1994**

The Board of Selectmen held a special meeting on Tuesday, February 22, 1994 at 7:30 P.M. Present were F. Dore' Hunter, Anne Fanton, William Mullin, Nancy Tavernier, Norm Lake and Town Manager Johnson.

{Representatives from cable were not present}

CITIZENS' CONCERNS

None expressed

PUBLIC HEARINGS AND APPOINTMENTS

NONE SCHEDULED

CONTINUATION OF BUDGET DISCUSSION - Dore' spoke about the overlay amount being so high at \$650,000. Nancy too felt this money needed to be freed up to use for the budget. She felt the legislature needs to know that this is something that needs to be addressed and will use Acton as an example when she testifies at the hearing.

Don discussed the bonding issues that they have been talking about. He urged the Board to discuss priorities and merit without discussing financing at this time and review the options after the decisions have been made.

Dore' asked if the cemetery building could be self funded. Don updated the Board and suggested that the article be pulled and perhaps after examination of all issues it would not require Town Meeting action. He also stated the consolidation of services could be examined at a later date as well. Dore' felt that the building would need to be passed through town meeting since it was proposed for a different location and felt it could be handled at a Fall special or next Spring. Anne asked for clarification on the need expressed. Don explained it was complex as it required staff reorganization and union and non-union issues would need to be resolved.

Bill asked if the money set aside could be used for any other purpose. It was relayed that they had bonded the money and that it would have to be used for substantially the same purpose. NANCY TAVERNIER - Moved to defer the Cemetery Building. ANNE FANTON - Second. UNANIMOUS VOTE.

The Board further went on to discuss the issues raised in the Town Manager's Memo of 2/18 regarding funding cut off line.

NANCY TAVERNIER - Moved to use the interest from the Audubon Hill Gift to offset the expenses of COA for FY95. ANNE FANTON - Second. UNANIMOUS VOTE.

Item 3. Ladder truck - Nancy wanted to leave the door open if extra money came in to pay for the truck.

Bill felt we needed to think about an override number and did not want to have is in excess of a million dollars inclusive of the local schools. Bill felt it is a solid approach and that it was a number the citizens would feel comfortable. He felt paving could be moved from debt exclusion.

Anne was uncomfortable with the ranking as outlined in Nancy's memo. Dore' asked if the Articles needed wording subject to override vote and do we need to specify it in the Article.

Nancy discussed the priority numbers and she felt we could stick with the list as developed by staff and felt Minuteman numbers would free up \$250,000 and legislature will vote to issue increased Lottery and Education Aid monies.

Category one items should be guaranteed in the "B" Budget and Category two would be guaranteed/options - if additional funding or revenues are increased or through an override. Category three would be obtained through total option/override.

Anne felt we should try to stay within the list as prepared in the priority as developed. Except she questioned if Town Meeting had wanted to be involved in Capital purchases.

Norm felt that this list should remain in the same general order as developed by staff but would be against moving library desk up and sidewalks down the list.

Dore' felt we could move ahead and decide each item and change the list by moving items up and down later.

Bill felt some items needed to be addressed and endorsed Nancy's list and the moving up of the Ice House Board.

ANNE FANTON - MOVED to leave the priority list essentially as it is presented. NORM LAKE - Second. 4-1 Bill Mullin NO.

NANCY TAVERNIER - Moved group labor in a general override to restore the cuts on items 18, 19, 21, 30, summer help, library hours, planning hours. BILL MULLIN - Second. Motion Withdrawn.

Anne is opposed to language and feels it needs to be addressed in the presentation. She noted the poor ranking of our libraries on a Per capita basis. She feels planning could be bringing us tax revenue if properly staffed. Nancy felt the

citizens would vote to restore cuts at .6 per/1,000 or \$15/yr. on a \$250,000 home.

Norm asked if Nancy could be convinced to change override and pass over if voted in B-Budget on items 18, 19, 20, 21.

NANCY TAVERNIER - Moved to move the Impact Fee Bylaw to follow Kelly's Corner below #34. BILL MULLIN - Second. DORE' & Anne No 3-2.

BILL MULLIN - Moved to put Ice House following Item 23. NANCY TAVERNIER - Second. Anne asked if the \$30,000 assumed money from the grant. Don said this would be for draining and dredging. Federal money would be for seed money to control flooding. Nancy felt it could be endorsed as Ballot question and Article. - 3-2 Motion fails.

NORM LAKE - Moved to delete the 4 wheel drive and group with Ladder truck for bonding. ANNE FANTON - Second. UNANIMOUS VOTE

NANCY TAVERNIER - Moved to delete 42-52 with the exception of Ice House Pond (51) and not to present them even if additional monies developed. NORM LAKE - Second. UNANIMOUS VOTE.

BILL MULLIN - Moved to move the command vehicle down to #36 after existing 35. NANCY TAVERNIER - Second. Nancy felt we really needed a 4 Wheel vehicle. Bill felt that voters already said no once. 3-2 Failed BILL/ DORE' NO.

BILL MULLIN - Moved to include the Ladder truck as debt exclusion contingent motion for override. NANCY TAVERNIER - SECOND. UNANIMOUS VOTE.

NANCY TAVERNIER - Moved to include the Computer upgrade #7 in the operating budget. BILL MULLIN - Second. UNANIMOUS VOTE.

NANCY TAVERNIER - Moved to place the Snow guards in the budget. BILL MULLIN - Second. UNANIMOUS VOTE.

E-911 - Place in warrant article, bonded
Bridges - Combine bonded, not overridden
Bill felt not to separate- but in operating budget.
Library Motar - in Budget
Engineering Van - Warrant article
Sidewalks - Warrant article - Bill wanted it in the operating budget. Norm felt it should be warrant article. Anne wanted it in operating budget.
4-Wheel Drive Vehicle - Article

Bill felt an aggregate cap should be placed on override issues for FY95.

Staff was asked to get generic warrant to allow them to make decision on debt exclusion or capital.

WARRANT ARTICLES

The Board reviewed the 2/10/94 edition of the Warrant and made the following remarks and actions for staff follow-up.

Budget Transfer - Needed expanded summary
Self Funding - Consent, recommended
Chimney Repair - We have to wait until RFP's are received
Storm Approp. - Rework title - recommend
Transfer Cemetery Funds - Consent - recommend
Re-purchase Cemetery Land - removed at request of submitter
Alternative revenue - Consent- recommend
Acceptance of Gifts of Land - Consent - recommend
Street Acceptance - Consent - recommend
Charter Rd. Sidewalk Easements - Consent - recommend
Main St. Easement - consent - recommend
Change Zoning - Cit Pet. - Check with Planning on wording
Rezone Piper Road. - removed.
Amend Definition of Municipality - Check wording to reflect choice
Child Care Facilities - Check with Planning on wording
Accept MGL Chapter 140 section 147A - Consent
Dog Regulations - Consent
Amend Local Historic District Bylaw - Recommendation Deferred
(send to Counsel for review)
Historic District Bylaw Municipal Exemption - removed
Remove Police Chief from Civil Service - Consent - recommended
(Bill Abstaining)
Affordable Housing- Need wording for article
North Acton Recreation Area - Remove
Formation of Mun. Power Organization Cit Pet - Recomm. Deferred
License Renewal Disability - Removed
School Teachers Early Retirement - Recommendation Deferred - get summary and number's/
Feltus Parcel - Remove

CONSENT CALENDAR

Nothing on Calendar

SELECTMEN'S BUSINESS

None

TOWN MANAGER'S CONCERNS

NANCY TAVERNIER - Moved to approve the request from staff to increase self funding in the amount of \$111,000. NORM LAKE - Second. UNANIMOUS

EXECUTIVE SESSION

BILL MULLIN - Moved to go into Executive Session for the purpose of discussing litigation.

The Board adjourned at 11:45 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(490)

EXECUTIVE SESSION
FEBRUARY 22, 1994

MOBIL OIL SIGN

Anne updated the Board on her conversations with the members of the LHDC. She felt that the Commission was having great difficulty handling this and other sign issues. She felt part of it was due to lack of staff support and their lack of background on sign issues. She asked that either Garry or Roland be at the hearing on March 7th and that they get background of this issue to all members of the commission, and finally, to have staff give more than pro's and con's to the Commission. They have expressed that they want more guidance to assist in decision making.

Don felt that staff had been passing on recommendations from his conversations with both Roland and Garry.

The Board adjourned at 12:00 P.M.

Clerk

Date

Christine Joyce
Recording Secty.
cmjW11-(490)

FEBRUARY 18, 1994

TO: Board of Selectmen
FROM: F. DORE' HUNTER, Chairman
SUBJECT: SELECTMEN'S REPORT

#####

AGENDA
ROOM 204
FEBRUARY 22, 1994

I. CITIZEN'S CONCERNS

II. PUBLIC HEARINGS & APPOINTMENTS

1. CONTINUATION OF BUDGET AND WARRANT DISCUSSION

III. SELECTMEN'S BUSINESS

IV. CONSENT AGENDA

V. TOWN MANAGER'S REPORT

VI. EXECUTIVE SESSION

MEETINGS

- April 10, 1994 2-4 P.M. - Open House Senior Center
PLEASE NOTE!!

ADDITIONAL INFORMATION

Enclosed please find additional correspondence which is strictly informational and requires no Board action.

FUTURE AGENDAS

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This IS NOT a complete agenda.

March 1, 1994

Kennedy Lane - Street Acceptance
Saab Class I review
Boston Edison Representatives
Board of Health- to discuss Health Programs

March 15, 1994

Metropolitan Deli - Special Use Permit
Common Vic
Costa Donuts - Special Use Permit
Common Vic.
NARA/Bldg. Commissioner Public Meeting

February 24, 1994

TO: Anne Fanton
FROM: Nancy Tavernier
SUBJECT: Public Ceremonies and Celebrations Committee

In response to the concern you have raised about the appointing authority for the Public Ceremonies and Celebrations Committee, I am attaching several items. The answer to the question of who appoints? is the Town Manager.

Attachment #1 is a copy of the original Town Bylaw voted in 1962 establishing a Public Ceremonies and Celebrations Committee. There was no Town Manager in 1962 so all appointments, except for the Finance Committee, were made by the Board of Selectmen. Note that the original bylaw set the membership at 6. Attachment #2 is the Committee charge as it is recorded currently with the VCC. Note that the Committee was expanded to 7.

What happened between 1962 and the present is the creation of the Town Charter(s). There have been at least two Charters, the first one authorizing the Selectmen/Town Manager/Open Town Meeting form of government and the last one (in 1982) which focused on changes in appointment vs. elective boards and committees. I do not know exactly when the PCCC became a Town Manager appointment but I suspect it was in 1982. However, attachment #3 is very specific about whom the Selectmen appoint and it does not include the PCCC. Attachment #4 further strengthens that finding with its statement that the current Charter supersedes any town by-laws that are in conflict with it.

I would suggest that the VCC be asked to submit a list of current candidates to the Town Manager, after either advertising and interviewing new ones or ascertaining that the original candidates are still interested. There needs to be a period of transition and training before Rich Miller's responsibilities can be totally shifted to someone else.

I would further suggest to the Town Manager that the PCCC Town Bylaw be removed from the General Town Bylaws. There may be other sections, e.g. Personnel Bylaw, that need to be reviewed for accuracy and compared with the Charter as well.

cc Board of Selectmen, Town Manager

PUBLIC CEREMONIES AND CELEBRATIONS COMMITTEE

Article 65, Annual Town Meeting, March 19, 1962--

Voted unanimously: To dissolve the present Memorial Day Committee, and establish in its stead a Public Ceremonies and Celebrations Committee, by adoption of the following by-law

"PUBLIC CEREMONIES AND CELEBRATIONS
COMMITTEE"

SECTION 8

1. There is hereby established a Public Ceremonies and Celebrations Committee to be appointed by and responsible to the Board of Selectmen and whose powers, duties and responsibilities are as hereinafter provided.
2. Immediately following the effective date of this by-law, the Board of Selectmen shall appoint a Public Ceremonies and Celebrations Committee consisting of six (6) members. The initial terms of the aforesaid designated committee members shall be two for one (1) year, two for two (2) years and two for three (3) years as designated by said Board of Selectmen. Upon expiration of each of the aforesaid terms, appointments to this Committee shall each be for a term of three (3) years.
3. The Committee shall have complete charge under the direction of the Board of Selectmen of all public ceremonies and celebrations held in the Town of Acton and in which the Town of Acton participates unless the Town shall by the vote of any regular or Special Town Meeting provide otherwise.
4. Immediately following the appointment of the members of this committee, they shall organize and elect a chairman and clerk. The clerk of said Committee shall thereupon notify the Board of Selectmen of the aforesaid action. Said Committee may reorganize its officers at any time and the clerk shall notify the Board of Selectmen accordingly. The concurrence of a majority of the Committee shall be necessary to make any act of the Committee effective. The Board of Selectmen may remove any member of the Committee for cause after due notice and hearing.
5. The Committee, with the approval of the Board of Selectmen, shall have the authority to appoint sub-committees for special events.
6. The members of the Committee shall serve without compensation.

June 1990

PUBLIC CEREMONIES AND CELEBRATIONS COMMITTEE 7 members 3 yr term

MEETINGS: As needed. In Spring, meetings are held once or twice monthly.

GENERAL DESCRIPTION

This committee conducts official ceremonies for the Town such as Patriot's Day, Memorial Day, Independence Day, Flag Retirement and other occasional ceremonies and events that may arise. There is representation on the committee from organizations such as Scouts, Campfire and Minutemen.

ADDITIONAL DUTIES AND INFORMATION

Work is often done through telephoning.

Town Manager appoints

SECTION 4 - 2 *Appointment Powers, Selectmen*

	<u>NUMBER OF MEMBERS</u>	<u>LENGTH OF TERM (YEARS)</u>
Acton/Boxborough Arts Council	5 to 20	2
Archives Committee	4	3
Board of Appeals	3	3
Board of Appeals (Assoc. Members)	3	3
Board of Assessors	3	3
Board of Health	5	3
Cemetery Commissioners	3	3
Conservation Commission	7	3
Council on Aging	9	1
Election Officers	as required	1
Historical Commission	5	3
Metropolitan Area Planning Council Representative	1	3
Permanent Building Committee	3	3
Personnel Board	5	3
Planning Board	5	5
Recreation Commission	5	3
Registrars of Voters	3	3
Youth Commission	7	3

(See also Section 5 - 1)

SECTION 4 - 3 *Town Manager*

(a) *Employment of town manager* — The selectmen shall employ a town manager for renewable three-year terms, who shall be especially fitted, in their opinion, by education, training and experience to perform the duties of the office. The person shall not have served in an elective office in the town during the twelve months prior to appointment, shall execute a bond in favor of the town for the faithful performance of duties in such sum and with such sureties as may be fixed or approved by the selectmen, and shall accept the terms and conditions of office by signing a contract as prepared by the selectmen under Section 4 - 1

(b).

(b) *Appointment of a temporary town manager* — The town manager may appoint, subject to the approval of the selectmen, a suitable person to accept the powers and perform the duties of the office during any period of temporary absence or disability of the town manager. If the town manager fails to make such appointment or the person so appointed fails to serve, the selectmen may appoint a suitable person to perform such duties.

(c) *Removal of town manager* — The selectmen may remove the town manager by:

1) Not re-employing — The selectmen may remove the town manager by failing to re-employ him or her at the expiration of any three-year term. The affirmative vote of at least three members of the board is required.

- (e) *General laws* - General Laws of the Commonwealth of Massachusetts
- (f) *Cause* - as in "removal for cause": an explicit, substantial and censorable factor(s) relating to the action(s), or failure(s) of action of a person holding a position of public trust and liability.
- (g) *Selectmen & Board of Selectmen* -used interchangeably.

#4

SECTION 7 - 6 *Expiration of Committees*

All committees created by a vote of the town meeting shall serve until the next annual town meeting. Each such committee shall file at said meeting a complete report of its activities and may make such recommendation concerning further action to be taken by the town as it may deem to be necessary and desirable. Unless the town meeting shall vote to revive and extend any such committee until the next annual town meeting, each such committee shall be deemed to have been discharged from its duties and dissolved upon the adjournment of the said town meeting.

SECTION 7 - 7 *Record Keeping*

All agencies shall keep records of meetings which must be available to the public for examination. Copies may be made at individual's expense.

SECTION 7 - 8 *School and Town Administration*

The town administration and school administration shall communicate and cooperate to the greatest degree possible in all areas where joint activity will produce economy and efficiency.

SECTION 7 - 9 *Management of Volunteers*

The board of selectmen and school committee shall establish policies and procedures which will provide for the encouragement, effective management and public recognition of volunteers in town government.

ARTICLE 8 — PROVISIONS GOVERNING THE CHARTER

✓ SECTION 8 - 1 *Regulation of Charter to Town By-Laws, Rules, Regulations, Order and Special Laws*

Where provisions of this charter conflict with provisions of town by-laws, and other regulations, the charter provisions shall govern. All provisions of town by-laws, rules, regulations, orders, and special laws not superseded by this charter shall remain in force.

SECTION 8 - 2 *Severability*

The provisions of the charter are severable. If any provisions of this charter are held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

SECTION 8 - 3 *Charter Changes*

This charter may be revised or amended in accordance with the procedures made available by Article LXXXIX (89) of the Amendments to the State Constitution and any legislation enacted to implement the said amendment.



TOWN OF ACTON
HISTORIC DISTRICT COMMISSION
472 Main Street Acton, MA 01720

NOTICE OF PUBLIC HEARING

The ACTON HISTORIC DISTRICT COMMISSION will hold a PUBLIC HEARING on Monday, March 21, 1994, at 9:00 p.m. in ROOM 204, ACTON TOWN HALL, 472 MAIN STREET to discuss the following proposed amendments to the Acton Historic District Bylaw: (1) Changes to definitions; (2) Changes to procedures for review of applications; (3) Changes to criteria for determinations; (4) Changes to exclusions. Copies of the proposed amendments are available from the Historic District Commission and the office of the Town Clerk.

7672
To: D. Johnson / S. Halley
Company
Location
Fax #
Telephone #
Comments

No. of Pages
Today's Date
Time
From: D. Kronenberg
Company
Location
Fax #
Dept. Charge
Telephone #
Original Disposition: ☐ Destroy ☐ Return ☐ Call for pickup

GRACE

Environment, Health & Safety
Service Center

W.R. Grace & Co. - Conn.
55 Hayden Avenue
Lexington, Mass. 02173

Tel: (617) 861-6000
Fax: (617) 863-6183

February 23, 1994

Meeting Cancellation

TO:
Anderson, S./Anderson & Kreiger
Ayres, J./GZA
Benoit, E./DEP
Boynton, R./EPA
Cheeseman, W./CDM
Cusson, T./DEP Section Chief
Eisengrein, R./ACES
Fox, H./Legal Defense Fund
Halley, D./Acton Health Director
Ingram, L./W. R. Grace Environmental Remediation
Jennings, L./U.S. EPA
Johnson, D./Acton Town Manager
LeBlanc, M./MA DEP
Mahar, M./DEP
Moore, M./Concord Board of Health
Muench, G./EPA
Myette, C./Wehran Envirotech
Reiter, P./GZA
Stoler, M./W. R. Grace, Boca Raton
Swallow, J./Pine & Swallow
Swanson, B./CDM
Tuttle, C./DEP

The meeting scheduled at W. R. Grace & Co. on Thursday, February 24, 1994 has been canceled. It has been rescheduled for Thursday, March 3rd at 9:00 at W. R. Grace in the Director's Conference room.

The agenda will be the findings of pre-excavation sampling of the Other Waste Areas, and any proposed work and project plan modifications.

Sorry for this inconvenience and if you are unable to attend, please notify Ginny Sarmatzis on extension 2622.

Thank you,

D. Kronenberg
Enc. 174

TOTAL P.001

LEAGUE OF WOMEN VOTERS
FINANCE FORUM II

PRESENTATION
BY
DON P. JOHNSON, TOWN MANAGER
FEBRUARY 24, 1994

I have been asked to describe the Municipal Budget process and, in so doing, address several specific questions. I will not restate the questions but I do plan to cover them in the text of my presentation.

Year after year we go through a routine that ultimately results in a budget for the ensuing year. The only part of this activity that is routine, however, is the fact that we do it. Since the collapse of the "Massachusetts Miracle" the vast array of changing problems and conditions that has confronted us each year has been so varied that the ritual has become anything but routine.

The FY95 Budget is the eighth budget recommendation that I have been privileged to make to the Board of Selectmen. Each has been unique and each has been characterized by the special events of the particular year that influenced it. This year the major influence, by far, has been changes brought on by the Education Reform Law.

My time is limited tonight so I will not go into the budget processes that have been employed in previous years other than to tell you that this year the process has been considerably different than in previous years. This is primarily due to the changes imposed by Ed Reform. (As I say this I am mindful that our School Committees and Administration are not responsible for the negative aspects of Ed Reform. They too have no choice except to follow the mandates of the Law, whether or not it is

beneficial. Again, because my time is limited, I will try not to get any more deeply involved in these issues than absolutely necessary in order to properly make my presentation. This topic could easily be the subject of an entire evening's discussion.)

ED REFORM:

In effect, Ed Reform imposes a mandatory "fixed cost" (Required School Spending or Net School Spending), with statutorily mandated annual increases, within the budget of every community in the Commonwealth. This Required School Spending must be satisfied before any expenditures for Municipal purposes. In towns like Acton this requirement represents a fixed cost that is nearly 2/3 of the entire annual appropriations of the Town.

Under these new rules of engagement, we must first calculate the minimum required level of Net School Spending before we can make any prediction as to the availability of resources to support Municipal functions. These expenditures for School Spending must be satisfied before we consider any Municipal needs. After the Educational Spending Requirements are satisfied, any leftovers are available for Municipal purposes. In essence, after taking out our Ed Reform obligations, any change in revenues falls out as the sole responsibility of the Municipal side. If we are wrong in our revenue projections, the Municipal side is left to absorb any shortfalls or consequences.

In order to prepare our Municipal Budget we must take our best shot at revenues under Proposition 2 1/2, calculate the Growth Factor for the Schools (which, by law, must be greater than 102.5%), add Educational expenses that fall outside the scope of the Education Reform Act and then compute the required level of School Spending under Ed Reform. Only after these figures are known are we able to determine what nominal funding

level remains for Municipal Services. Many of the elements of our financial picture are still in flux so we are having a very difficult time gaining a clear perspective on available funding levels this year.

Our current projection is that funding will be available for a 1-1.5% growth in the Municipal share for FY95. We have constructed the Municipal B-Budget within the constraints of this funding and we are still in the process of determining how we will handle Municipal needs that exceed available funding. (It should be noted that under the anticipated funding available for the Municipal budget in FY95, we will remain, for the 6th consecutive year, below the funding level of FY89!)

The attached chart "Education Reform Spending Calculation" indicates our expected revenues for FY95 along with our anticipated School Spending Requirements and actually "backs into" the available Municipal Funding Projection.

SCHOOLS:

The Schools play an important role in the determination of a significant portion of Municipal Revenues as well as expenses this year. Ron Fitzgerald, Superintendent of the Minuteman Vo-Tech Regional School System has made extraordinary efforts to bring fairness and equity to his constituent communities and, as a result, may be successful in saving Acton as much as \$300,000. We are following his efforts closely. Locally, both the Acton and Acton-Boxborough School Systems have shared a portion of their School Choice monies with the Town as "shared revenues" since the inception of the Choice Program. Now, under Department of Education interpretations of the Ed Reform Law, this Municipal Revenue source is quite doubtful for FY95. Isa Zimmerman has indicated that both Acton School Systems are investigating ways

to mitigate the damage of this interpretation to the Municipal Governments of both Acton and Boxborough. The full impact to Acton, for instance, is in excess of \$300,000.

PROCESS:

During the years of declining revenues we prepared our budgets after considerable debate with the Schools and Finance Committee over anticipated revenues and expenses. Generally, the result was that we had insufficient funding under Proposition 2 1/2 to maintain programs and personnel. The initial impact of reduced funding on the Municipal side was in the area of capital, infrastructure and programs. The resultant budgets emphasized Public Safety and attempted to maintain staffing in other service areas while sacrificing equipment and infrastructure replacement and repair programs. Department Heads were constantly confronted with questions of where to improve efficiencies or cut back on services in order to meet budget demands. In this atmosphere there was seldom any opportunity to consider improvements in programs and services.

This year we have taken a radically different direction in the Municipal budgeting process. For the first time ever, we brought all Department and Division Heads together in a series of joint meetings to develop the recommendations that are now before the Board of Selectmen. The format of those meetings was a 4-day "retreat" (taken in two, 2-day segments) during which all departments presented the elements of their programs to their peers and developed consensus on all revenues, expenditures, fixed costs and priorities.

In preparation for the retreat each department was directed to prepare a budget that incorporated their anticipated needs for FY95. One week prior to the retreat we devoted an entire Staff Meeting to discussion of an appropriate salary adjustment (COLA) that could be carried by all departments when preparing their

budgets. The Departments were then instructed to fund their ongoing "normal" operating expenses as part of their Base Budget. New Salaries, Programs and Capital were segregated from Base Budgets for independent review and consideration.

The retreat was broken into two distinct phases ... Data Collection and Problem Solving. The first step was to collect and input the requested budgets into our computer program. When this was completed we totaled the requests and determined that the aggregate reached nearly \$26,000,000. The next requirement was to estimate revenues. When revenue estimates were completed we deducted required Ed Reform spending to determine the available funding level for Municipal Services. With both of the above steps completed, the available funding level anticipated for Municipal Services was compared to the Requested Expenditures and, as one might imagine, there was a sizeable shortfall (nearly \$14,000,000).

The Problem Solving Phase began with a presentation of the new requests by each Department, followed by questions from their peers. The objective was to prioritize all of the "new" items and determine whether any adjustments might be made in the items or amounts requested. The intent was to be able to forward a budget recommendation, prioritized from the collective perspective of all departments, that the Selectmen could use as a yardstick in making the Board's evaluation of the Town's needs in the upcoming and future years. In addition, staff has heard the call, from both the Selectmen and members of Town Meeting, for more choices and options in the Town Budget. The resultant budget recommendation is our attempt to respond to those concerns.

FY95 BASE B-BUDGET:

The Selectmen's FY95 Municipal Base B-Budget is currently proposed at \$11,107,696. This compares with the FY94 Municipal

B-Budget Appropriation of \$10,944,410 and represents an increase of only 1.49%. The good news is that we remain reasonably confident that there will be sufficient revenues to support our Minimum School Spending Requirements and this modest level of Municipal expenditure in FY95, without an Override. The bad news is that this budget simply covers fixed costs and retains existing staffing levels and programs. It does NOT fund any of the New Programs, Staff or Capital Repair and Replacement recommended by our Departments.

PRIORITY CHOICES:

Municipal expenditures beyond the Base B-Budget are proposed to be made in priority order according to the level of anticipated revenues. The Selectmen are currently considering the Priority listing recommended by Staff and will be reaching their final determinations shortly. The attached listing represents the most recent iteration of their Priority List. The list has been constructed with the highest priority items at the top and the lowest at the bottom. (The exception is that self-funding items have been placed at the bottom simply to segregate them from the rest of the decision making process. Self-funding items include those that would be funded from the Fund Balance of an Enterprise or Trust Fund and those the Board has previously indicated it would place on an Override.)

Town Staff is in the process of preparing recommendations for possible financing scenarios, based on the priority decisions of the Board.

WARRANT ARTICLES:

Any or all of the items on the Priority List lend themselves to Warrant Articles, even though some of these (or similar items)

have been incorporated in previous budgets. These items have been set out specifically to provide the Selectmen with the full opportunity to evaluate how or whether they may wish to present the items.

The decision as to whether an item is presented as a Warrant Article or not is dependent on a number of factors. In some cases there are statutory requirements for warrant articles. Often, the method of financing is the controlling factor. For instance, if we need to finance a Capital item or project by borrowing, a 2/3 majority vote must be obtained. An item of this nature would not be lumped into a vote on an article such as the Operating Budget because the Operating Budget only requires a simple majority vote for approval. Zoning actions require a 2/3 majority vote and will be found in separate warrant articles. In still other cases the Selectmen may choose to place an item of high profile or interest in a separate warrant article if for no other reason than to be sure that the voters get a chance to discuss the proposal. Occasionally the Selectmen may be ambivalent and choose to place a specific article before the voters to allow them to decide for themselves whether the action or service at issue is desirable and worthy of undertaking, staffing, funding, etc.

As you can see, there are a myriad of reasons and purposes for separate Warrant Articles. Ultimately, the Selectmen must consider each issue and make their decision based on the conditions at the time. There is no magic formula that would allow one to predict when an item might go either way. With respect to the Budget itself, though, we try to place all of our Operating Expenses in the Budget ... with exceptions being made according to considerations I just noted.

OVERRIDES:

I have previously indicated that a General Override will not be required to fund the Base B-Budget that is under consideration by the Selectmen. Beyond that, we expect to have some additional level of funding available but the level is uncertain at this time. The Selectmen are currently working with an estimated total Municipal funding level of \$11,157,000. The School's have asked for an Article to fund \$25,000 worth of chimney repairs at Blanchard Auditorium which would have to come from the monies available for Municipal Services. This would suggest that less than \$25,000 will be available to apply toward the remaining \$15,000,000 worth of needs and recommendations submitted by our Departments. The need for a Municipal component of any Override(s) is totally dependent on the Selectmen's opinion of Revenues and Priorities. For these reasons staff has not made any recommendations regarding Overrides at this time.

BONDING:

The Town administration has recommended a rather conservative approach to Debt in recent years, preferring to limit the Fixed Costs in our Budget and retain maximum flexibility for budget reductions. I have previously noted, however, that we are investigating financing scenarios this year that might address the more serious deficiencies in our Budget. It is premature to speculate tonight as to whether some portion of the Municipal needs for FY96 will be proposed to be funded through Borrowing. Borrowing (Bonding) is a powerful financial tool, designed to help stretch the current dollar; however, it obligates monies from future Budgets. This impact on future Budgets causes us to take care in the use of this tool but, properly applied, Borrowing can be a very prudent approach to Municipal Finance.

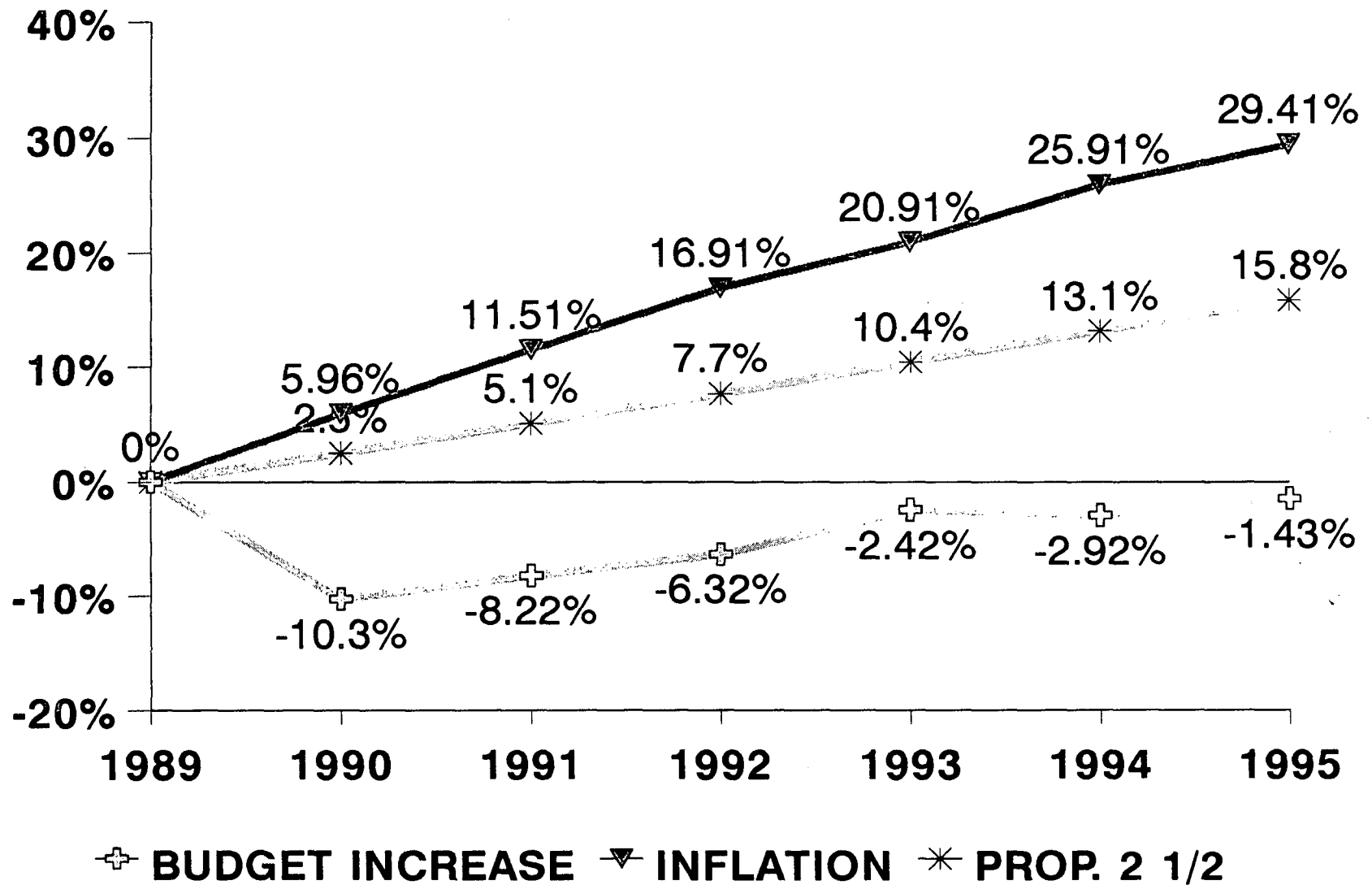
Given the extremely uncertain nature of many of the important elements of our FY95 revenues and expenditures, Staff has proposed a budget structure that will allow the Board of Selectmen maximum flexibility. The "safety net" is the Prioritized List of Capital, Infrastructure, New Personnel and New Programs that would allow the Board to react to any changes in projected revenues or expenses by moving up or down the list to accomodate negative or positive changes, respectively. Utilizing this approach, the Board is free to make its own assumptions regarding the security of revenues and expenses and plan to take advantage of any positive swings while preparing to absorb changes that might be negative.

This budget is a significant departure from those of recent years. We were not constrained to a preordained target number as was required by the Coordinating Committee Process. Consequently, we asked staff to tell us what they actually needed. The result, combined with the goal of reintroducing choices into the Budget, is a complex set of options that require considerable analysis. We have made a sincere attempt to respond to the various concerns that we have heard expressed and, at the same time, present this vast amount of material in a reasonably concise manner. Hopefully we have not added to anyone's confusion along the way.

Thank you for allowing me this opportunity to address you on this important matter, albeit dry. I am quite passionate in this regard but I do not expect everyone to share my level of interest.

I would be happy to entertain any questions.

CUMULATIVE PERCENT CHANGE FROM FY89 MUNICIPAL SERVICES ONLY



CPI for State & Local Gov'ts (Boston)
Source: U.S. Dept. of Commerce

Town of Acton
Education Reform Spending Calculation
FY 95 B-Budget

Exhibit 2, Revised

	Plan 1995	Revised 1995	2/18/94 Revision 1995
Town Gov't	\$11,088	\$11,151	\$11,157
Local School	\$9,518	\$9,575	\$9,575
A-B Regional System	\$7,939	\$8,035	\$8,035
Minuteman	\$745	\$741	\$741
Enterprise Funds	\$2,296	\$2,084	\$2,084
Total Operating Expenses	\$31,586	\$31,586	\$31,592
Cherry Sheets	\$1,843	\$1,843	\$1,843
School Choice	\$73	\$0	\$0
Motor Vehicle	\$1,320	\$1,320	\$1,320
Fees	\$930	\$930	\$930
Enterprise Fund	\$1,090	\$1,163	\$1,163
Interest Income From South Acton Fund		\$0	\$6
Sub-Total Non-Property Tax Revenue	\$5,256	\$5,256	\$5,262
Total Levy and Transfers	\$26,330	\$26,330	\$26,330
Total Revenue	\$31,586	\$31,586	\$31,592
Less Total Expenses	(\$31,586)	(\$31,586)	(\$31,592)
Total Over/Short	\$0	\$0	\$0
Beginning Levy	\$25,336	\$25,336	\$25,336
2 1/2 % Increase	\$633	\$633	\$633
New Growth	\$500	\$500	\$500
Override	\$0	\$0	\$0
Debt Exclusions	\$511	\$511	\$511
Overlay	(\$650)	(\$650)	(\$650)
Sub-Total	\$26,330	\$26,330	\$26,330
Reserve Contribution	\$0	\$0	\$0
Total Revenue	\$26,330	\$26,330	\$26,330

Town of Acton
Proposed 1995 Budget

DEPARTMENT	FY94 SALARY	FY95 SALARY REQUEST	% CHANGE SALARY	FY94 EXPENSES	FY95 EXPENSES REQUEST	% CHANGE EXPENSES	ANNUAL COSTS
ACCOUNTANT	\$187,030	\$188,869	0.98%	\$2,264	\$6,400	182.69%	\$195,269
ASSESSOR	\$96,688	\$95,219	-1.52%	\$3,190	\$53,905	1589.81%	\$149,124
BUILDING	\$120,684	\$127,186	5.39%	\$2,700	\$2,700	0.00%	\$129,886
CEMETERIES	\$129,796	\$134,197	3.39%	\$4,425	\$4,999	12.97%	\$139,196
CIVIL DEFENSE				\$4,217	\$4,300	1.97%	\$4,300
COA	\$45,871	\$48,934	6.68%	\$5,765	\$7,365	27.75%	\$56,299
COLLECTOR	\$118,338	\$120,521	1.84%	\$32,078	\$49,100	53.06%	\$169,621
CONSERVATION	\$35,100	\$37,634	7.79%	\$3,750	\$3,000	-20.00%	\$40,834
DEBT				\$978,000	\$653,838	-33.15%	\$653,838
COMMISSION ON DISABILITY				\$1,500	\$1,500	0.00%	\$1,500
DOG OFFICER		\$4,486		\$10,511	\$525	-95.01%	\$5,011
ELECTIONS	\$4,650	\$14,900	220.43%	\$7,585	\$8,635	13.84%	\$23,535
ENGINEERING	\$115,349	\$117,534	1.89%	\$8,931	\$28,931	223.94%	\$146,465
FINANCE	\$87,306	\$89,926	3.00%	\$135,139	\$146,138	8.14%	\$236,064
FIRE	\$1,717,704	\$1,772,680	3.20%	\$56,275	\$65,900	17.10%	\$1,838,580
GAS & DIESEL				\$92,480	\$94,000	1.64%	\$94,000
HEALTH	\$100,424	\$86,755	-13.61%	\$17,640	\$17,490	-0.85%	\$104,245
HIGHWAY	\$458,625	\$462,781	0.91%	\$283,280	\$355,998	25.67%	\$818,779
HISTORICAL COMM.				\$545	\$545	0.00%	\$545
INSURANCE, EMP.				\$1,396,134	\$1,497,344	7.25%	\$1,497,344
INSURANCE, OTHER				\$230,000	\$232,000	0.87%	\$232,000
LEGAL				\$200,000	\$220,000	10.00%	\$220,000
MANAGER	\$206,420	\$214,216	3.78%	\$59,250	\$61,750	4.22%	\$275,966
LIBRARY, MEMORIAL	\$275,612	\$287,448	4.29%	\$67,410	\$93,111	38.13%	\$380,559
MODERATOR	\$200	\$200	0.00%	\$20	\$20	0.00%	\$220
MUNICIPAL PROPERTIES	\$231,203	\$247,265	6.95%	\$51,867	\$92,225	77.81%	\$339,490
PENSION				\$980,650	\$1,001,046	2.08%	\$1,001,046
PLANNING	\$69,146	\$69,607	0.67%	\$8,096	\$11,525	42.35%	\$81,132
POLICE	\$1,467,142	\$1,539,701	4.95%	\$72,059	\$103,959	44.27%	\$1,643,660
PUBLIC CEREMONIES				\$2,520	\$2,520	0.00%	\$2,520
RESERVE FUND				\$33,000	\$33,000	0.00%	\$33,000
SENIOR CENTER (COA)	\$23,057	\$24,325	5.50%	\$3,976	\$10,500	164.08%	\$34,825
SNOW REMOVAL (HIGHWAY)	\$42,000	\$43,270	3.02%	\$124,000	\$128,100	3.31%	\$171,370
TOWN CLERK	\$87,635	\$83,013	-5.27%	\$3,195	\$1,335	-58.22%	\$84,348
UTILITIES				\$250,000	\$267,802	7.12%	\$267,802
VETERAN'S SERVICES	\$2,000	\$2,060	3.00%	\$12,443	\$10,400	-16.42%	\$12,460
LIBRARY, WEST ACTON		\$18,131			\$3,732		\$21,863
ZONING BD. OF APPEALS				\$1,000	\$1,000	0.00%	\$1,000
SUBTOTAL PAGE 1	\$5,621,980	\$5,831,058	3.72%	\$5,145,895	\$5,276,638	2.54%	\$11,107,696

Town of Acton
Proposed 1995 Budget

DEPARTMENT	PROGRAM/CAPITAL REQUESTS	NEW SALARIES, PROGRAM, & CAPITAL REQUESTS	PRIORITY NUMBER	PRIORITY CLASS	ANNUAL COSTS	CUMULATIVE COSTS TOTAL	Legal Action
SUBTOTAL PAGE 1					\$11,107,696		
Tax Impact							
ENGINEERING	Sidewalks (In Base Budget)	\$15,000	15	A	\$0	\$11,107,696	BB
ACCOUNTANT	Computer Upgrade (In Base Budget)	\$80,000	5	A	\$0	\$11,107,696	BB
POLICE	Computer Upgrade (In Base Budget)	\$30,000	7	A	\$0	\$11,107,696	BB
MUNICIPAL PROPERTIES	Skylight Snow Guards (In Base Budget)	\$10,725	9	A	\$0	\$11,107,696	BB
ENGINEERING	Bridge, Concord Rd. (In Base Budget)	\$40,000	11	A	\$0	\$11,107,696	BB
ENGINEERING	Bridge, Wetherbee St (In Base Budget)	\$20,000	12	A	\$0	\$11,107,696	BB
MUNICIPAL PROPERTIES	Mortar Repair, Mem. Lib. (In Base Budget)	\$20,000	13	A	\$0	\$11,107,696	BB
LOCAL SCHOOL	Blanchard Aud.	\$50,000			\$25,000	\$11,132,696	WB
POLICE	Communication Center, E-911	\$60,000	10	A	\$15,000	\$11,147,696	WB
HIGHWAY	Eng. Van Replacement	\$18,000	14	A	\$18,000	\$11,165,696	W
FIRE	Command Vehicle 4wd Addition	\$15,000	16	A	\$15,000	\$11,180,696	W
MUNICIPAL PROPERTIES	2 1/2 ton Dump Truck Replacement	\$35,000	17	A	\$35,000	\$11,215,696	WB
LIBRARY, MEMORIAL	Replace 1 FTE cut from 94	\$30,339	18	A	\$30,339	\$11,246,035	W
PLANNING	Restoration of labor	\$24,000	19	A	\$24,000	\$11,270,035	W
PLANNING	Impact Fee Bylaw	\$10,000	20	A	\$10,000	\$11,280,035	W
ENGINEERING	Summer labor	\$3,950	21	A	\$3,950	\$11,283,985	W
POLICE	Mobile Data Terminals, 2 ea	\$8,000	22	A	\$8,000	\$11,291,985	WB
FIRE	Exhaust System, West Acton Station	\$3,300	23	A	\$3,300	\$11,295,285	WB
HIGHWAY	Loader Replacement	\$95,000	24	B	\$95,000	\$11,390,285	WB
FIRE	Alarm Panel Upgrade	\$15,000	25	B	\$15,000	\$11,405,285	WB
MUNICIPAL PROPERTIES	HVAC Controls, Mem. Lib.	\$10,000	26	B	\$10,000	\$11,415,285	WB
HIGHWAY	Sign Truck Replacement	\$18,000	27	B	\$18,000	\$11,433,285	WB
ENGINEERING	Traffic Signal @ High & 62	\$48,000	28	B	\$48,000	\$11,481,285	WB
POLICE	Mobile Data Terminals, 2 ea	\$8,000	29	B	\$8,000	\$11,489,285	WB
LIBRARY, MEMORIAL	Replace Friday Hours	\$27,000	30	B	\$27,000	\$11,516,285	W
FIRE	Exhaust System, South Acton Station	\$3,300	31	B	\$3,300	\$11,519,585	WB

Town of Acton
Proposed 1995 Budget

DEPARTMENT	PROGRAM/CAPITAL REQUESTS	NEW SALARIES, PROGRAM, & CAPITAL REQUESTS	PRIORITY NUMBER	PRIORITY CLASS	ANNUAL COSTS	CUMULATIVE COSTS TOTAL	Legal Action
MUNICIPAL PROPERTIES	Garage Roof Replacement, Police Station	\$10,000	33	B	\$10,000	\$11,529,585	WB
PLANNING	Kelly's Corner Plan	\$10,000	34	B	\$10,000	\$11,539,585	WB
LIBRARY, MEMORIAL	Expansion Study	\$15,000	35	B	\$15,000	\$11,554,585	WB
HIGHWAY	Paving Program	\$331,800	36	C	\$331,800	\$11,886,385	WB
POLICE	Mobile Data Terminals, 4 ea	\$16,000	37	C	\$16,000	\$11,902,385	WB
FIRE	Exhaust System, Acton Center Station	\$3,400	38	C	\$3,400	\$11,905,785	WB
HIGHWAY	1 Ton Dump Truck Replacement	\$25,000	39	C	\$25,000	\$11,930,785	WB
ENGINEERING	Hydrology Software	\$3,500	40	C	\$3,500	\$11,934,285	W
LIBRARY, MEMORIAL	Circulation Desk	\$9,000	41	C	\$9,000	\$11,943,285	W
MUNICIPAL PROPERTIES	Ice House Pond Excavation	\$30,000	51	C	\$30,000	\$11,973,285	WB
FIRE	Ladder Truck Replacement	\$450,000	4	A	\$0	\$11,973,285	WB
CEMETERIES	New Section, Phase 2	\$10,000		SF	\$10,000	\$11,983,285	
HEALTH	Kelly's Corner Sewers	\$2,250,000		SF	\$2,250,000	\$14,233,285	30
HEALTH	South Acton Sewers	\$2,250,000		SF	\$2,250,000	\$16,483,285	30
HEALTH	Maynard Connection	\$2,000,000		SF	\$2,000,000	\$18,483,285	30
HEALTH	Maynard Interceptor (Main Feed Pipe)	\$1,500,000		SF	\$1,500,000	\$19,983,285	30
NURSING ENTERPRISE	Vehicle Replacement	\$12,500		SF	\$12,500	\$19,995,785	5
NESWC ENTERPRISE	10 Wheel Tractor Cab Replacement	\$55,000		SF	\$55,000	\$20,050,785	7
NESWC ENTERPRISE	FY94 Stabilization Deficit	\$750,000		SF	\$750,000	\$20,800,785	
SEPTAGE ENTERPRISE	Computer	\$15,000		SF	\$15,000	\$20,815,785	10
SEPTAGE ENTERPRISE	Inspection Vehicles Replacement, 2ea	\$25,000		SF	\$25,000	\$20,840,785	5
SEPTAGE ENTERPRISE	Micro-fiche Reader	\$10,000		SF	\$10,000	\$20,850,785	3
<hr/>							
GRAND TOTAL							

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: Feb. 24, 1994

TO: Board of Selectmen
FROM: Don P. Johnson, Town Manager
SUBJECT: Fincom Budget Meeting & Hearing

Charles Olmstead has been in communication with Isa Zimmerman and me to schedule presentations and discussions of our budgets for the Finance Committee. We have agreed on March 14 as the date for both parties to make these presentations. The meeting is scheduled for 7:30 PM in Room 114 at the Junior High School.

The Finance Committee's Public Hearing on the budgets has been scheduled for March 23 at 7:30 PM in the Selectmen's Hearing Room at Town Hall.

cc: Roy Wetherby



cc: BOS

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION

February 18, 1994

TO: Don P. Johnson, Town Manager
FROM: Dean A. Charter, Municipal Properties Director *(DAC)*
SUBJECT: Tree/Odor Question

Pursuant to your request, I have done some preliminary research into the question raised regarding the ability of trees to absorb annoying odors, such as those produced by a sewer plant, and the impact tree clearing for housing might have on this assumed effect. As I noted to you earlier, in my twenty years as a practicing Certified Arborist, I had never seen any proof of such an effect, although I have heard the question raised several times, usually by residents concerned about potential development.

In my research, I contacted the following persons and asked for comments:

Dr. Francis Holmes, retired Director of the Shade Tree Laboratories, University of Massachusetts

Mr. Charles Burnham, Acting Chief, Bureau of Shade Tree Management, Massachusetts Department of Environmental Management

Mr. James MacArthur, former Chief, Bureau of Shade Tree Management, and presently System Forester, Northeast Utilities

Ms. Kristin Ohnemus, Horticulturist, Town of Wellesley

Representatives of Northeastern Area, United States Department of Agriculture, Forest Service, (USDA-FS) Durham, New Hampshire.

I also had my student intern, Szylyvia Drimusz, go through the Tables of Contents for all the "Journals of Arboriculture", produced by the International Society of Arboriculture, for the years 1973-1993, this encompassed over 1400 scholarly articles. Finally, I consulted a number of other resources, including the Urban Forester's Notebook (USDA-FS).

Dr. Holmes reported that he had never seen such an odor absorbing ability attributed to trees, although he speculated that such an effect might be possible if the odor were somehow bonded to CO₂, which is absorbed by the trees during respiration, or if the odor were caused by a particulate pollutant that might be deposited on the leaves. Mr. Burnham and Mr. MacArthur both stated that they had never heard of or observed such an effect, and felt that the idea was somewhat far-fetched. Ms. Ohnemus doubted that such an effect were likely, that the pollutant absorbed would have to be somehow bonded to CO₂, and opined that such an effect, if it indeed existed, would be very difficult to quantify. The representatives from the Forest Service stated that they were not aware of any research that would support such a contention.

Out of all the research produced in the Journal of Arboriculture, I found only one passing reference to the question at hand. In Volume 38, No. 8, T.C. Weidensaul, Director of the Laboratory of Environmental Studies, Ohio Agricultural Research and Development Center, states: "Research data indicate that plants are not necessarily efficient air purifiers." In the Urban Forester's Notebook, the article titled "Trees and woodlands reduce air pollution" the statement is made that "The extent to which trees remove gaseous compounds is still debated. Some authors believe they provide substantial cleaning; others think they provide little".

To summarize, it appears that the contention that trees absorb odors is not widely accepted in the professional community, and it would seem that if such an effect were observable, some sort of research would have been done; I was not able to easily find that research. Observation of odors is highly subjective, and hard to quantify. Planting additional trees after the housing units have been built would certainly make sense from an aesthetic point of view, and might redirect wind currents, but the contention that trees physically absorb odors is very speculative.

DAC/151

February 24, 1994

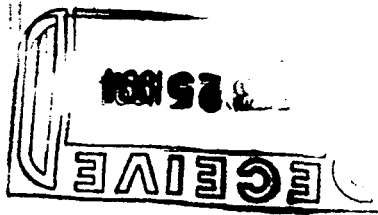
TO: Board of Selectmen
FROM: Nancy Tavernier
SUBJECT: Special ACHC meeting with members of Board of Selectmen

This is a reminder that the ACHC will be meeting with any interested Selectmen at Town Hall Rm 126 on Sunday, 2/27/94 at 5:00PM. Please use the front door. This meeting has been posted.

There will be a sizeable packet of information from ACHC in your Friday packet, please try to review it before the Sunday meeting. If you cannot attend, please feel free to call any of the ACHC members if you have any further quesitons. Hopefully, this will save discussion time at our 3/1 meeting so that we can be ready to take a position on the article.

6 Maillet Drive
Acton, MA 01720
February 20, 1994

THE BEACON
20 Main Street
Acton, MA 01720



Dear Editor,

We write this letter to express our extreme dismay with the Acton Selectmen's decision of February 15, 1994 to support the warrant requested by the Acton Community Housing Corporation (ACHC). The ACHC proposal to construct 8 units in a cluster development requires a donation of 4 acres of town owned land on the corner of Adams and Parker Streets. The project is designed to provide affordable single family homes to **renters, town employees, and adult children of Acton residents.** We are not opposed to this project in principle but, rather, we object to the way area residents have been handled. We are **current taxpayers**, those who will experience the direct impact of the policies embodied in the Acton Community Housing Corporation proposal.

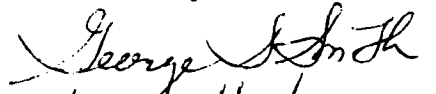
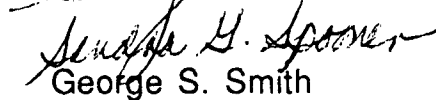
Our issues concerning this project revolve around the ambiguity and deception with which the process for the ACHC project has been handled. We first learned of the project via the newspaper not through any direct communication from town officials. When we first learned about the project, the proposed criteria for eligibility for the affordable units indicated preference would be given to town employees and the adult children of Acton residents within certain income guidelines.

At a meeting with board members of the ACHC in January 1994, we were informed that Acton renters will also be given preference in addition to the aforementioned groups. Furthermore, ACHC has once again changed their initial proposal by requesting the donation of a 4 acre parcel for 8 units even closer to the Maynard sewage treatment plant, rather than a 10 acre parcel for 10 units on 1 acre lots.

We now discover that there is something called "the affordable housing overlay", a blanket zoning variance granted to affordable housing projects! Under the rules of the overlay, affordable housing projects are exempt from the usual zoning rules which require a 1 acre minimum. In fact, it allows up to 5 units per acre.

It is truly unfortunate and discouraging that the unanimous vote of the Acton Selectmen to support the warrant for this project was secured with so little regard for the voiced concerns of taxpayers and abutters to the proposed site!

Sincerely,

George S. Smith

Sandra G. Spooner

897-5883

ACTON COMMUNITY HOUSING CORPORATION

PROPOSED AFFORDABLE HOUSING PROJECT

ON

ADAMS STREET

ACTON, MASSACHUSETTS

FEBRUARY 25, 1994

Index

1. Overview of Proposed Project
2. Locus Plan
3. Site Plan
4. Proposed Warrant Article
5. Projected Budget and Cash Flow
6. Affordability Analysis, Local Preference Guidelines, and Package of Information to be Provided Home Buyers Regarding LIP Program, Lottery and Application
7. Letter from The Co-operative Bank of Concord Regarding Availability of Construction Financing and Mortgage Loans for First Time Home Buyers
8. Deck House, Inc. Rendering and Floor Plan of Type of Affordable Housing Unit
9. Form of Deed Restriction - Local Initiative Program ("LIP") Under Executive Office of Communities and Development
10. Acton Community Housing Corporation
 - List of Board of Directors
 - Mission Statement
 - History
 - Articles of Organization
 - By-Laws
 - Internal Revenue Service Notice of Exempt Status
11. Acton Master Plan - Recommended Zoning Changes for Affordable Housing, September, 1990
12. Form of Request for Proposal ("RFP") Used by the Town of Manchester-by-the-Sea for Development of Affordable Housing
13. Local Initiative Program Guidelines Issued by Executive Office of Communities and Development

Overview

The Acton Community Housing Corporation ("ACHC") is proposing the development of a four-acre parcel of land in South Acton for up to eight (8) affordable housing units, which parcel is a portion of a twenty (20) acre parcel, more or less, acquired pursuant to a Warrant Article approved at the 1967 Annual Town Meeting.

The enclosed locus plan shows the relationship of the parcel in question to the Maynard Sewerage Treatment Plant and the neighbors in the immediate area. The ACHC proposes to submit a plan to the Planning Board for subdivision approval and a special PCRC special permit. The land in question is within Sub-District B as delineated on the Affordable Housing Overlay District Map of the Town of Acton, Map No. 4, November 28, 1990. Such submissions will be subject to all of the usual scrutiny, reviews and approvals by local departments and boards. The ACHC believes that the project, as proposed, will have a minimal, if any, impact on the surrounding neighborhood.

At the direction of the Board of Selectmen, the ACHC will provide local preference as provided in the Acton Zoning By-Laws or will meet the guidelines of the LIP program so that the affordable housing units will be counted against the Town's quota of 10% of affordable housing stock. Even if the Board of Selectmen directs the ACHC to comply with the LIP guidelines, it is the ACHC's feeling that, based upon the pool of prospective first-time home buyers, the majority, if not all, of the units will be purchased by first-time home buyers that meet the guidelines under the Acton Zoning By-Laws.

The enclosed budget and cash-flow projections have been prepared conservatively. It is anticipated that all of the units will be pre-sold to qualified, first-time home buyers and that the project will be built out in less than the six months projected. Deed restrictions will be imposed on each of the units to ensure the affordability of the units into the foreseeable future. If, under unusual circumstances, the units cannot be sold at affordable housing prices, any "excess" profit will be captured for the benefit of affordable housing in the Town. Either the recommended deed restrictions under the LIP program will be used or similar such restrictions based upon the Board of Selectmen's direction relative to local preference.

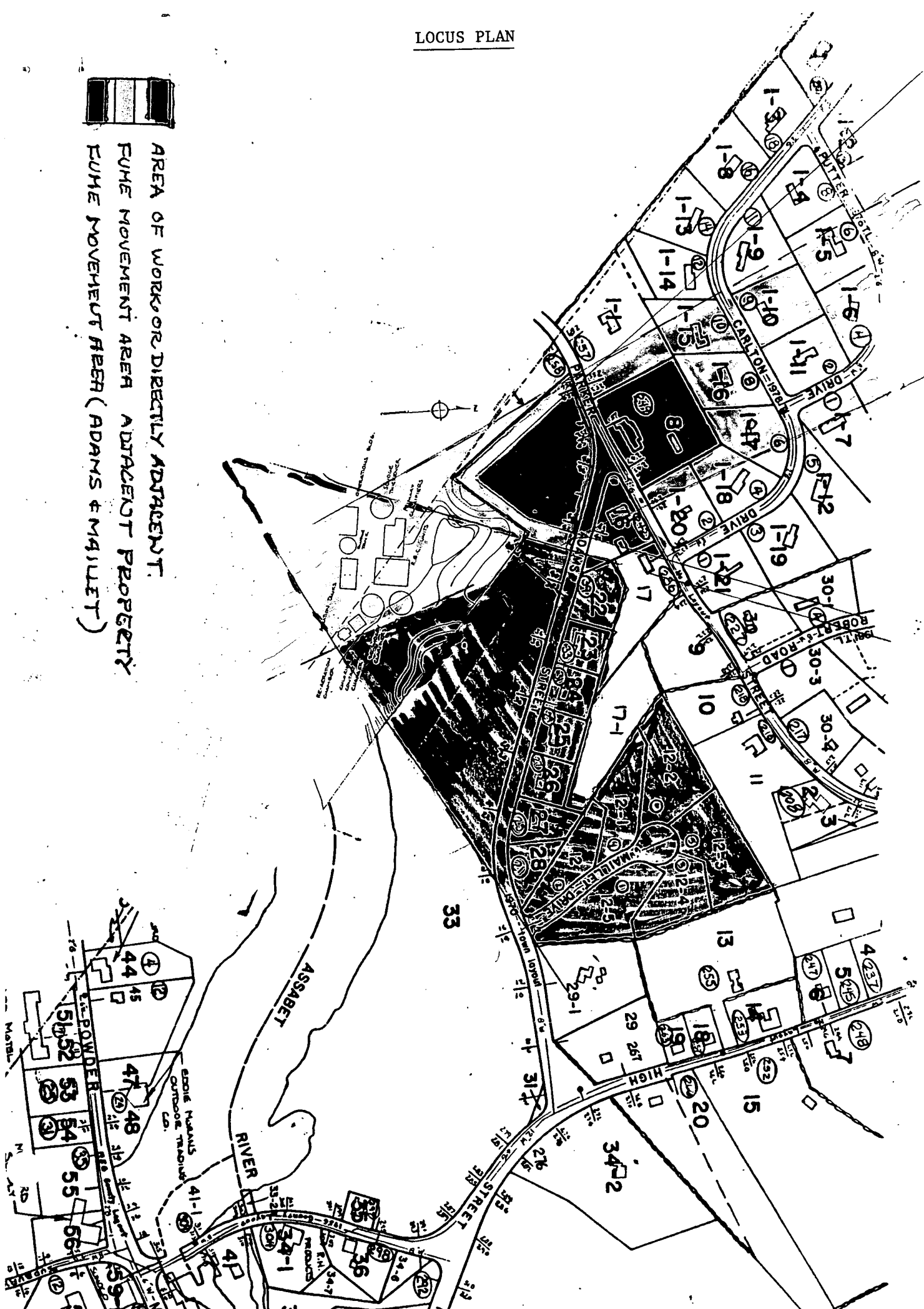
The members of the Board of Directors of the ACHC believe that the plan to provide affordable housing units for the Town is well conceived and has been thoroughly researched to date. Further refinement of the specifics of the development will continue to occur through the RFP process and through the application for subdivision approval and PCRC special permit. The ACHC respectfully requests that the Board of Selectmen recommend the passage of the Article at Town Meeting.

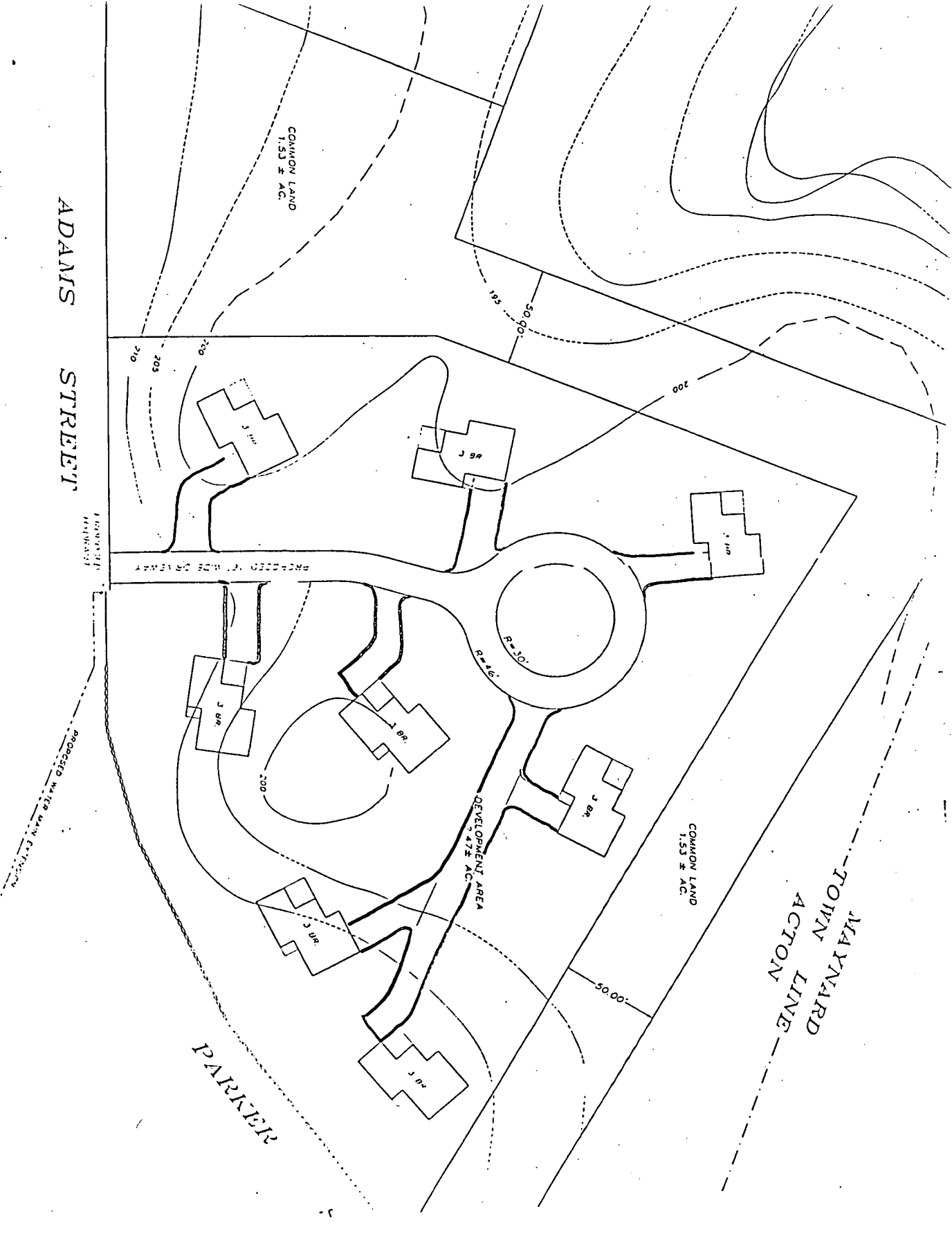
LOCUS PLAN

LOCUS PLAN



AREA OF WORK OR DIRECTLY ADJACENT
 FUME MOVEMENT AREA ADJACENT PROPERTY
 FUME MOVEMENT AREA (ADAMS & MAULEY)





ADAMS STREET

MAYNARD TOWN LINE ACTON

PARKER

COMMON LAND
1.53 ± AC.

COMMON LAND
1.53 ± AC.

DEVELOPMENT AREA
2.47 ± AC.

50.00'

50.00'

200'

J BR

J BR

J BR

J BR

J BR

J BR

J BR

J BR

PROPOSED 1/2" WIDE DRIVEWAY

PROPOSED WATER MAIN EXTENSION

Draft of Proposed Warrant Article

Article _____. To see if the Town will authorize the Selectmen to convey a portion of a parcel of land in the Southerly part of the Town acquired by the Town for sewerage disposal purposes pursuant to Article 23 of the 1967 Annual Town Meeting, said parcel being shown as parcel 33, sheet J-3 of the Town Atlas, described as follows:

The portion being the most northwesterly 4.0 acres, more or less, bounded as follows:

NORTHERLY: by Parker Street and Adams Street about 690 feet, more or less;

EASTERLY: by remaining land of the Town of Acton;

SOUTHEASTERLY: by land of the Town of Maynard;

SOUTHWESTERLY: by land of Helen E. Newsham to Parker Street.

for the construction of up to eight (8) affordable dwelling units and the sale thereof to persons or households whose income qualifies under state or local guidelines for affordable housing, with preference to be given to persons employed by or within the Town, to current residents of the Town, and to children of Acton residents.

No conveyance shall occur until:

a) a qualified developer has been chosen based on a competitive selection process which will include detailed plans, well substantiated cost estimates, and guaranteed selling prices for the "affordable units"; and

b) the approval of the Planning Board, Conservation Commission, Board of Heath, Acton Water District and such other Town Boards or Departments, as appropriate, for areas within their respective jurisdictions has been obtained.

02/15/94

ADAMS STREET & PARKER STREET DEVELOPMENT PROJECT
(EIGHT (8) CLUSTERED SINGLE FAMILY HOMES)

9400

COST

DEVELOPMENT COSTS	TOTAL COSTS	PER UNIT COST	PER SQ.FT
HARD COSTS			
(A) SITE ACQUISITION	\$5,000	\$625	\$0.52
(B) SITE PREPARATION	\$16,000	\$2,000	\$1.67
CLEARING	\$16,000	\$2,000	\$1.67
UTILITIES			
WATER 850 FT. 8" MAIN	\$35,000	\$4,375	\$3.65
GAS	\$3,500	\$438	\$0.36
ELECTRIC	\$3,500	\$438	\$0.36
SEPTIC	\$20,000	\$2,500	\$2.08
PAVING 600 FT. 20' AVG.	\$14,000	\$1,750	\$1.46
(C) LANDSCAPING (NATURAL)	\$8,000	\$1,000	\$0.83
(D) RESIDENTIAL CONSTRUCTION			
8 FOUNDATIONS	\$35,200	\$4,400	\$3.67
8 SLABS	\$24,000	\$3,000	\$2.50
8 MODULAR UNITS DELIVERED	\$134,400	\$16,800	\$14.00
*** FRAMING & ROOFING	\$26,400	\$3,300	\$2.75
*** SIDING	\$12,000	\$1,500	\$1.25
*** INSULATION	\$6,000	\$750	\$0.63
PLUMBING	\$32,800	\$4,100	\$3.42
HEATING	\$47,000	\$5,875	\$4.90
ELECTRICAL	\$19,600	\$2,450	\$2.04
*** DRYWALL	\$19,200	\$2,400	\$2.00
*** FINISH	\$4,800	\$600	\$0.50
PAINTING	\$21,600	\$2,700	\$2.25
(E) CONTINGENCY (5%)	\$6,050	\$756	\$0.63
(F) TOTAL HARD COSTS	\$510,050	\$63,756	\$53.13
SOFT COSTS			
(G) PERMITS/SURVEYS	\$4,000	\$500	\$0.42
WATER FEES	\$22,400	\$2,800	
(H) ARCHITECTECTUAL	\$0	\$0	\$0.00
(I) ENGINEERING	\$1,000	\$125	\$0.10
(J) LEGAL	\$4,000	\$500	\$0.42
(K) INSURANCE	\$1,500	\$188	\$0.16
(L) SECURITY	\$0	\$0	\$0.00
(M) DEVELOPERS FEE 5% HARD COSTS	\$25,503	\$3,188	\$2.66
(N) CONSTRUCTION MANAGER	\$15,000	\$1,875	\$1.56
(O) PROPERTY TAXES	\$0	\$0	\$0.00
(P) CONSTRUCTION INTEREST	\$10,000	\$1,250	\$1.04
(Q) FINANCING/APPLICATION FEES	\$12,000	\$1,500	\$1.25
(R) UTILITIES	\$1,000	\$125	\$0.10
(S) MAINTENANCE (UNSOLD UNITS)	\$0	\$0	\$0.00
(T) ACCOUNTING	\$500	\$63	\$0.05
(U) MARKETING	\$250	\$31	\$0.03
(V) COMMISSIONS	\$0	\$0	\$0.00
(W) CONTINGENCY (5%)	\$5,113	\$639	\$0.53
(X) TOTAL SOFT COSTS	\$102,266	\$12,783	\$10.65
TOTAL DEVELOPMENT COSTS	\$612,316	\$76,539	\$63.78
SALES 8 UNITS	\$756,000	\$94,500	\$78.75
FUNDS AVAILABLE FOR FUTURE AFFORDABLE HOUSING EFFORTS	\$143,684		

ACTON COMMUNITY HOUSING CORPORATION

PROJECTED CASH FLOW

ADAMS STREET PROJECT

	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	TOTAL
FUNDS BEGINNING BALANCE	500	5500	5500	5500	5500	10000	9000	7500	58950	147450	500
SOURCES OF FUNDS											
CONSTRUCTION LOAN	50000	85000	110000	5500	0	0	0	0	0	0	250500
UNIT SALES	0	0	0	94500	94500	189000	189000	94500	94500	0	756000
TOTAL SOURCES	50500	90500	115500	105500	100000	199000	198000	102000	153450	147450	1007000
USE OF FUNDS											
CONSTRUCTION	35000	70000	95000	85000	80000	70000	55000	20050			510050
SUPPORT COSTS	10000	15000	15000	15000	10000	10000	10000	8000	6000	3266	102266
PAYMENT ON LOAN	0	0	0		0	110000	125500	15000	0	0	250500
TOTAL USES	45000	85000	110000	100000	90000	190000	190500	43050	6000	3266	862816
FUNDING AVAILABLE FOR FUTURE AFFORDABLE PROJECTS	5500	5500	5500	5500	10000	9000	7500	58950	147450	144184	144184

ACTON COMMUNITY HOUSING CORPORATION
ILLUSTRATION OF HOUSING AFFORDABILITY

DESCRIPTION	INCOME @ 60% OF MEDIAN	INCOME @ 70% OF MEDIAN	INCOME @ 80% OF MEDIAN
INCOME	\$ 30,000	\$ 35,000	\$ 40,000
PRICE OF HOME	\$ 94,500	\$ 94,500	\$ 94,500
DOWN PAYMENT %	5 %	5 %	5 %
DOWN PAYMENT AMOUNT	\$ 4,725	\$ 4,725	\$ 4,725
MORTGAGE AMOUNT	\$ 89,775	\$ 89,775	\$ 89,775
INTEREST RATE	7.5 %	7.5 %	7.5 %
MONTHLY EXPENSES			
P & I	627.72	627.72	627.72
TAXES	140.57	140.57	140.57
INSURANCE	30.00	30.00	30.00
PMI	29.93	29.93	29.93
MONTHLY HOUSING	828.22	828.22	828.22
GROSS MONTHLY INCOME	2500.00	2916.67	3333.33
HOUSING EXPENSES AS A % OF INCOME	33	28	25



ADAMS VILLAGE
AFFORDABILITY ANALYSIS

PRICE	\$94,500	\$94,500	\$94,500
INTEREST RATE	7.50%	7.50%	7.50%
DOWN PAYMENT %	5.00%	10.00%	20.00%
DOWN PAYMENT \$	\$4,725	\$9,450	\$18,900
MORTGAGE AMOUNT	\$89,775	\$85,050	\$75,600
MONTHLY EXPENSES			
P&I	627.72	594.68	528.61
TAXES	140.57	140.57	140.57
PMI	29.93	26.93	0.00
INSURANCE	30.00	30.00	30.00
TOTAL EXPENSES	828.22	792.18	699.18
YEAR END TAX BENEFIT	205.94	196.64	172.65
NET MONTHLY EXPENSE (COMPARED TO RENT)	622.28	595.54	526.53
MINIMUM INCOME REQUIRED	\$30,117	\$28,807	\$25,425

NOTES

ACTON TAX RATE = \$17.85 PER THOUSAND
 TAX BENEFIT REDUCTION BASED ON 28% TAX BRACKET
 MINIMUM INCOME BASED ON 33% HOUSING EXPENSE RATIO
 A 20% DOWN PAYMENT WILL ELIMINATE A MONTHLY PMI EXPENSE
 ALL VALUES ARE ESTIMATED

ACTON COMMUNITY HOUSING CORPORATION
P.O. BOX 681
ACTON, MASSACHUSETTS, 01720
(508)263-4776

Dear Applicant:

Thank you for requesting information about our new affordable housing currently under construction in Acton, Massachusetts-ADAMS VILLAGE. Enclosed please find all relevant information about the homes and the specifics of the Local Initiative Program (LIP) regarding pricing, financing and deed restrictions.

All eight beautiful Adams Village homes will be sold to qualified first-time home buyers by lottery through the local Initiative Program for only \$94,500. This is an incredible opportunity to own a new home in Acton. The homes are designed and manufactured by Deck House, Inc. typically feature 1260 square feet, three bedrooms, one bath, a fully applianced kitchen, a living/dining room, and a deck.

Upon your review of the enclosed information, if you are qualified and would like to participate in the lottery process please complete the enclosed application and forward it to:

Adams Village
% Acton Community Housing Corporation
P.O. Box 681
Acton, Ma. 01720

Please be advised that you must include a refundable \$500.00 deposit to participate in the lottery. If you are selected and decide to purchase a home this money will become part of your down payment, in any other circumstance this money will be refunded.

ALSO PLEASE BE ADVISED THAT THE DEADLINE FOR APPLICATIONS IS OCTOBER 1, 1994. THE LOTTERY IS TO BE HELD OCTOBER 15, 1994.

If you have any questions please feel free to call me at 508-263-4776.

Sincerely,

Naomi E. McManus
Clerk, ACHC

THE LOCAL INITIATIVE PROGRAM (LIP)

What is the LIP?

The Local Initiative Program is a partnership that uses state, local and private resources to provide quality, affordable homes to income-eligible, first-time home buyers.

What makes prospective buyers eligible for LIP?

Prospective buyers must:

- . Have an annual household income (family size 1-4) not exceeding \$40,000.00
- . Be a first-time home buyer
- . Be creditworthy

What are the benefits of the LIP to prospective buyers?

- . Reduced home prices
 - . Adams Village homes through LIP are priced from \$94,500
- . Variety of financing programs

Are there any restrictions?

Yes. Some deed restrictions are used to maintain the affordability for future buyers while permitting the owner and to share in the appreciation of the home. Specifically, the discount rate (percentage difference in price between the affordable LIP homes and the market-rate homes) will be maintained in perpetuity.

FOR EXAMPLE, a LIP home selling for \$94,500 is discounted approximately 30% from the same market-rate home priced at \$135,00. If the original buyer decides to sell the home in 10 years and the value of the homes are doubled, and is worth \$270,00; under the LIP this price would be discounted the same 30%, and the price would be set at \$189,000 and sold to an income eligible first-time homebuyer.

WHAT IS THE MINIMUM INCOME NECESSARY TO PURCHASE A HOME?

The minimum income required is based solely on the prospective buyers ability to obtain a mortgage. Based on the current interest rates of 7.50%, a home purchased for \$94,500 with a 5% down payment (\$4,725) would have a total monthly expense of approximately \$828.22. This would require a minimum annual salary of approximately \$30,000, this could be reduced further if a higher down payment is used.

IS THERE A SELECTION PROCESS?

Yes, the homes are distributed through a lottery, however, a preference is given to qualified "Acton Town Employees, Residents, Children of Residents, and People who Work in Acton".

IS THERE ANYTHING ELSE I SHOULD KNOW?

It is necessary for you to complete an application and make a refundable deposit of \$500.00. If selected this deposit will become part of the down payment, otherwise the deposit will be returned in full.

To obtain an application please call Betty McManus of the Acton Community Housing Corporation at 508-263-4776.

ACTON COMMUNITY HOUSING
CORPORATION

ADAMS VILLAGE
APPLICATION

Date: _____

Name: _____

Address: _____ Town: _____ Zip: _____

Telephone (H) _____ (W) _____ SS # _____

Do you or your spouse work for the Town of Acton _____ If so where? _____
Have you ever owned a home? _____ If so, when? _____
Have you ever been a resident of _____? _____ If so, when? _____
Do you have any family members currently residing in _____? _____ Who? _____

WORKSHEET

Borrower's Monthly Base Income _____
Other Income _____
Co-Borrower's Base Income _____
Other Income _____
TOTAL INCOME _____ (A)

Mortgage (P&I) "See Attached Page" _____
Real Estate Taxes _____
Private Mortgage Insurance _____
Homeowners Insurance _____
TOTAL MONTHLY HOUSING EXPENSE _____ (B)

Debts with more than 10 remaining
payments (Monthly amount) _____
Revolving Credit - 5% of balance due + _____
Additional Monthly debt = _____ (b1)
TOTAL MONTHLY OBLIGATIONS _____ (B+b1) (C)

Monthly Housing Expense/Income Ratio _____ (B) / (A) *
Total Obligations/Income Ratio _____ (C) / (A) **

EMPLOYMENT STATUS

Employer: _____ Occupation: _____

Date of Hire _____ Annual Wage/Salary _____

*should not exceed 33% **should not exceed 38%

You are requested to fill out the following section in order to assist us in fulfilling affirmative action requirements. Check (✓) the appropriate categories.

	Applicant	Co-Applicant	Dependents (#)
White	_____	_____	_____
Black	_____	_____	_____
Hispanic	_____	_____	_____
Asian American	_____	_____	_____
Native American	_____	_____	_____
Other	_____	_____	_____

Please Note:

The maximum allowable income for the household for the Local Initiative Program at Adams Village has been established by the EOCD as \$40,000. Please be advised that this income level is absolute and cannot be adjusted. If you have questions regarding your income level due to fluctuations in hours worked, overtime, commissions or bonuses please contact our office for advise as to how to complete the form.

Borrowers must have 2 1/2% of the purchase price in verifiable assets 3 months prior to date of bank application. Total down payment must be a minimum of 5%. The additional 2 1/2% may be a gift from an immediate family member. Please note that in addition to the down payment the borrower is responsible for paying all closing costs.

Upon submission to Acton Community Housing Corp. please include a *refundable* deposit of \$500.00 in a check made payable to Adams Village Escrow. If selected, this deposit will become part of the down payment. If not selected the deposit will be refunded in full.

The undersigned warrants and represents that all statements herein are true. It is understood that the sole use of this application is for placement into a lottery to have an opportunity to purchase a home at Adams Village.

Signature_____ Date_____

Applicant

Based on the information provided it is my judgment that the applicant qualifies for a home at Adams Village through the LIP Program.

Signature_____ Date_____

Certifying Agent

NEW AFFORDABLE HOMES BEING BUILT AT

ADAMS VILLAGE

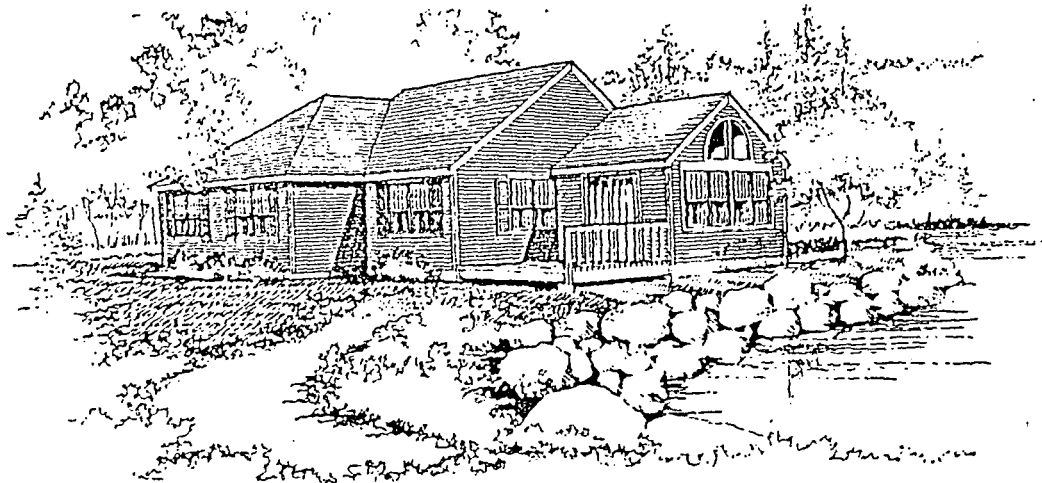
8 HOMES WILL BE SOLD BY LOTTERY
FOR THE REDUCED PRICE OF
ONLY \$94,500

THESE HOMES TYPICALLY FEATURE:

- 3 BEDROOMS
- A FULL BATH
- 1260 SQ. FEET OF LIVING SPACE
- FULLY APPLIANCED KITCHENS
- EXPANDABLE DESIGN ALLOWS FOR THE PORTENTIAL OF AN ATTACHED GARAGE AND/OR BEDROOMS AND FAMILY ROOM

APPLICANTS MUST BE FIRST-TIME BUYER WITH A MAXIMUM HOUSEHOLD INCOME OF \$40,000. TO PARTICIPATE YOU MUST COMPLETE AND SUBMIT AN APPLICATION NO LATER THAN . THE LOTTERY FOR THE DISTRIBUTION OF THE HOMES IS SCHEDULED FOR . AT THE ACTON TOWN HALL.

PLEASE CALL ACTON COMMUNITY HOUSING CORPORATION AT 508 - 263 - 4776 TO OBTAIN INFORMATION AND AN APPLICATION.



**THIS IS THE BEST HOUSING OFFERING FOR
FIRST-TIME HOMEBUYERS IN THE AREA**

PLEASE DO NOT DELAY - CALL TODAY!



THE CO-OPERATIVE BANK

February 22, 1994

Mr. Roy C. Smith
Roy Smith Associates
292 Great Road
Acton, MA 01720

Re: Acton Affordable Housing

Dear Roy:

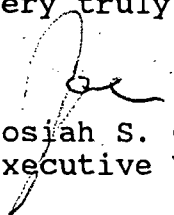
You have discussed with me the intention of Acton Community Housing Corporation to construct eight units of affordable housing on town-owned land off Adams and Parker Streets in Acton. You have stated that these units will be single-family, detached homes on separate lots with either adequate road frontage or service by a cul-de-sac. These housing units will be produced by Deck House of Acton and should sell to the end buyer for something less than \$100,000.

The Co-operative Bank of Concord is extremely interested in being able to assist ACHC with this project. Subject, of course, to underwriting and appraisal reviews to be determined upon the receipt of further information, the Bank stands prepared to make construction loans available to either the ACHC or the end buyer individually. If the original construction financing is provided to ACHC, the Bank is also prepared to offer attractive financing to the end buyer. If the original construction loan is to the end buyer, the Bank is prepared to grant a loan which would convert to a permanent end loan financing with little or no additional closing costs to the buyer. The Bank can arrange a program under any type of ownership structure; it would, however, prefer to have fee simple ownership by the end buyers of the lot and buildings.

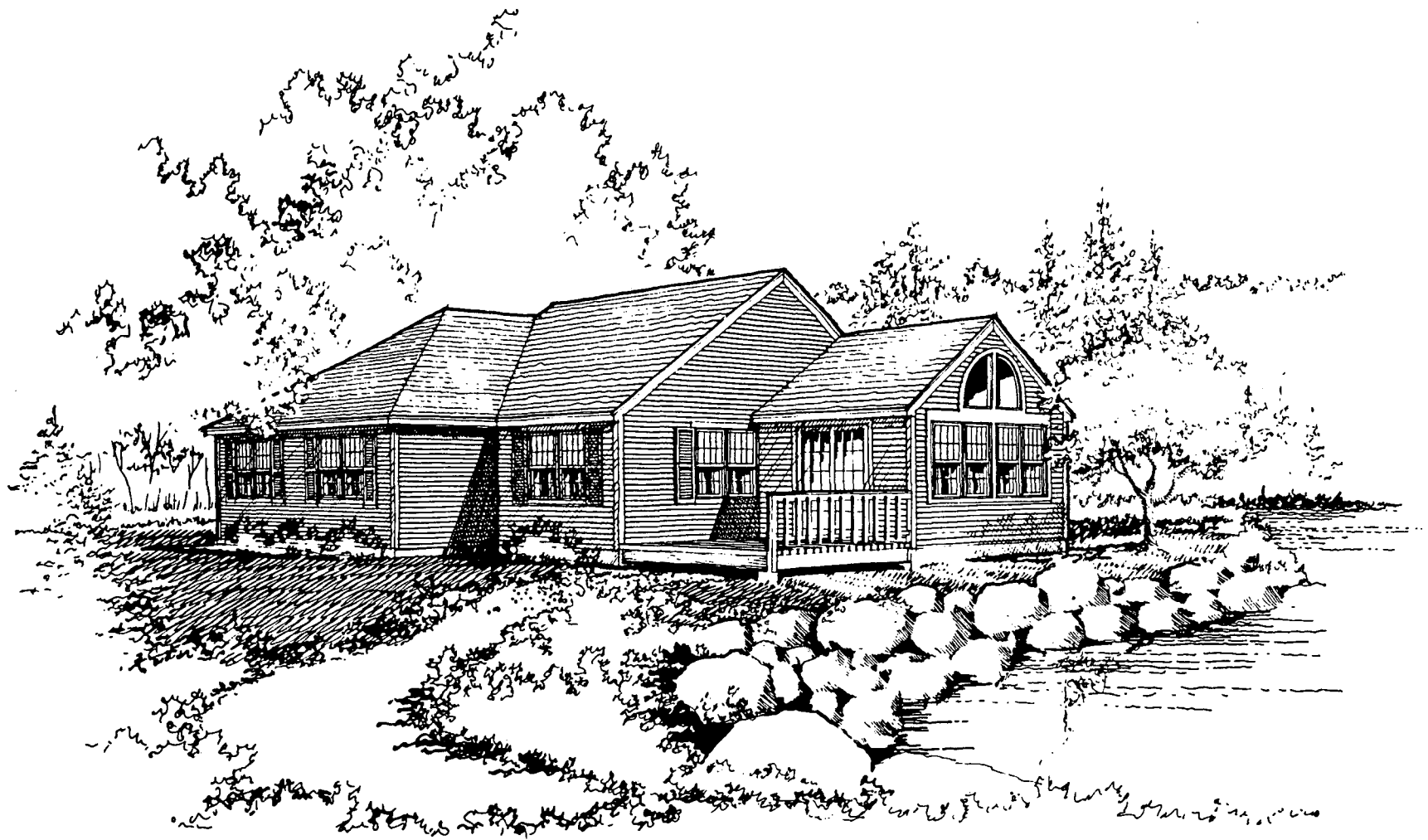
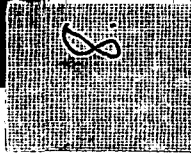
The Co-operative Bank is a leader in first-time homebuyer programs, as well as financing to low and moderate income households. The Bank also is a major residential construction lender in the metro west area. With our special financing programs and construction expertise, we are uniquely qualified to assist ACHC in this endeavor.

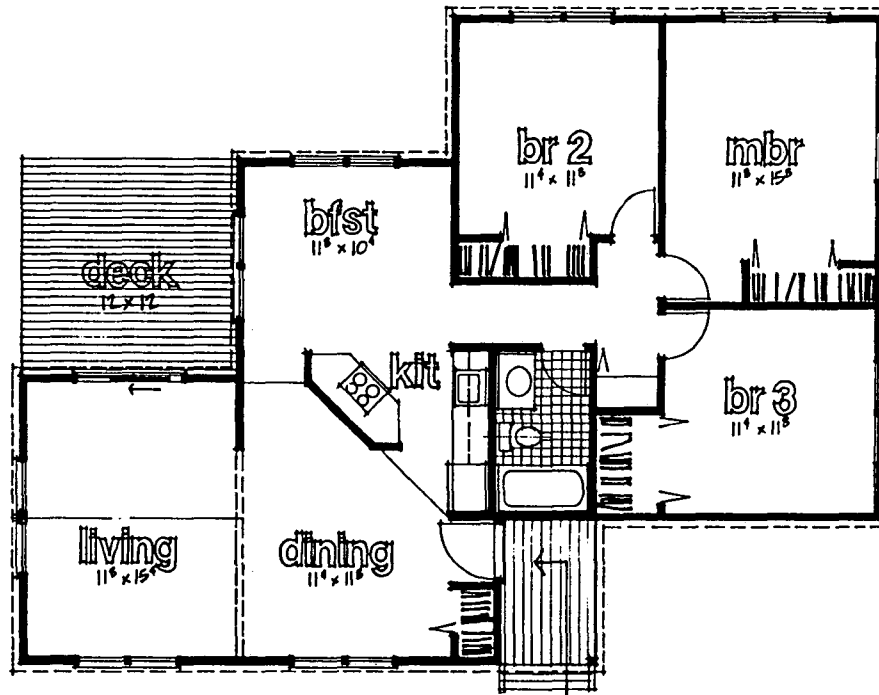
I appreciate your calling me with this opportunity. Please keep me informed as to the progress of the project. If you would like further amplification of what The Co-operative Bank is prepared to do, I will be happy to supply it to you.

Very truly yours,


Josiah S. Cushing, II
Executive Vice President

JSC/mr





model 1121

DECK
HOUSE



LOCAL INITIATIVE PROGRAM

DEED RIDER
For
Comprehensive Permit Ownership Projects

(annexed to and made part of that certain deed (the "Deed")
from _____ ("Grantor")
to _____ ("Grantee")
dated _____, 199__.)

WITNESSETH :

WHEREAS, pursuant to M.G. L. c. 40B, §§20-23 (the "Act") and the final report of the Special Legislative Commission Relative to Low and Moderate Income Housing Provisions issued in April, 1989, regulations have been promulgated at 760 CMR 45.00 et seq. (the "Regulations") which establish the Local Initiative Program ("LIP");

WHEREAS, the Executive Office of Communities and Development of the Commonwealth of Massachusetts, an executive office duly organized and existing pursuant to Chapter 6A of the General Laws, acting by and through its Department of Community Affairs pursuant to Chapter 23B of the General Laws ("EOCD") administers the LIP Program on behalf of the Commonwealth;

WHEREAS, it is the purpose of the LIP Program to give cities and towns greater flexibility in their efforts to provide affordable housing to households having low and moderate incomes.

WHEREAS, the City/Town of _____ (the "Municipality") acting by and through its Chief Elected Official (as that term is defined in the Regulations) has elected to participate in the LIP Program;

WHEREAS, EOCD has determined that the rights and restrictions granted herein to EOCD and to the Municipality serve the public's interest in the creation and retention of affordable housing for persons and families of low and moderate income and in the restricting of the resale price of property in order to assure its affordability by future low and moderate income purchasers;

WHEREAS, pursuant to the LIP Program, eligible purchasers such as the Grantee are given the opportunity to purchase certain property at a discount of the property's appraised fair market value if the purchaser agrees to convey the property on resale to an eligible purchaser located by the Municipality or EOCD, to the Municipality, or to EOCD for a "Maximum Resale Price" equal to the appraised fair market value of the property at the time of

resale, as determined by EOCD, multiplied by the applicable Discount Rate (as hereinafter defined), or, if there is no eligible purchaser to purchase the property at the Maximum Resale Price, then for a lesser amount equal to or greater than the purchase price plus costs of capital improvements and marketing expenses;

WHEREAS, the Grantor and the Grantee are participating in the LIP Program, and in accordance with the LIP Program the Grantor is conveying that certain real property more particularly described in the Deed ("Property") to the Grantee at a consideration which is less than the appraised value of the Property; and

WHEREAS, a Discount Rate equal to _____% of the appraised fair market value of the Property (the "Discount Rate") as determined by EOCD is hereby assigned to the Property, and such Discount Rate shall be used in determining the Maximum Resale Price of the Property (UPON ITS DETERMINATION OF THE DISCOUNT RATE FOR THE PROPERTY, EOCD WILL ISSUE TO THE GRANTEE A CERTIFICATE IN RECORDABLE FORM (THE "DISCOUNT RATE CERTIFICATE") WHICH STATES THE APPROVED DISCOUNT RATE FOR THE PROPERTY AND WHICH SHALL BE RECORDED WITH THE FIRST DEED OF THE PROPERTY.);

NOW THEREFORE, as further consideration from the Grantee to the Grantor, EOCD and the Municipality for the conveyance of the Property at a discount in accordance with the LIP Program, the Grantee, his heirs, successors and assigns, hereby agrees that the Property shall be subject to the following rights and restrictions which are hereby imposed for the benefit of, and shall be enforceable by, the Grantor's assignees and designees, the Secretary of the Executive Office of Communities and Development, or its successors, assigns, agents and designees ("Secretary") and the Municipality, acting by and through its Chief Elected Official.

1. Right of First Refusal: (a) When the Grantee or any successor in title to the Grantee shall desire to sell, dispose of or otherwise convey the Property, or any portion thereof, the Grantee shall notify the Secretary and the Municipality in writing of the Grantee's intention to so convey the property ("Notice"). The Notice shall contain an appraisal of the fair market value of the Property acceptable to the Secretary and the Municipality prepared by a real estate appraiser acceptable to the Secretary and the Municipality and qualified to appraise property for secondary mortgage markets and recognized as utilizing acceptable professional appraisal standards in Massachusetts, and the Notice shall set forth the Discount Rate and the Maximum Resale Price of the Property. Within thirty (30) days of the giving of the Notice by the Grantee, the Municipality shall notify the Grantee in writing (with a copy to the Secretary) as to whether the Municipality is proceeding to locate an eligible

purchaser of the Property or the Municipality shall exercise its right of first refusal to purchase the Property (the Municipality's Notice.) If the Municipality's Notice states that the Municipality is not proceeding to locate an eligible purchaser and that the Municipality shall not exercise its right of first refusal to purchase the Property, or if the Municipality fails to give the Municipality's Notice within said thirty (30) days then, and only under such circumstances, the Secretary may, at any time from the thirty first (31st) day after the giving of the Notice to and including the fortieth (40th) day after the giving of the Notice, notify the Grantee in writing (with a copy to the Municipality) as to whether the Secretary is proceeding to locate an eligible purchaser of the Property or whether the Secretary shall exercise its right of first refusal, to purchase the Property (the Secretary's Notice".) For the purpose of this Deed Rider, an "eligible purchaser" shall mean a purchaser who satisfies the criteria set forth in the LIP Program guidelines in effect at the time the Municipality or the Secretary locates such purchaser, and who, if located by the Municipality, is ready and willing to purchase the Property within ninety (90) days after the Grantee gives the Notice, or who, if located by the Secretary, is ready and willing to purchase the Property between ninety (90) days and one hundred five (105) days after the Grantee gives the Notice.

(b) In the event that (i) the Municipality's Notice states that the Municipality does not intend to proceed to locate an eligible purchaser and that the Municipality does not intend to exercise its right of first refusal to purchase the Property, or the Municipality fails to give the Municipality's Notice within the time period specified above and (ii) the Secretary's Notice states that the Secretary does not intend to proceed to locate an eligible purchaser and that the Secretary does not intend to exercise its right of first refusal to purchase the Property, or the Secretary fails to give the Secretary's Notice within the time period specified above, the Grantee may convey the Property to any third party free of all restrictions set forth herein, provided, however, all consideration and payments of any kind received by the Grantee for the conveyance of the Property to the third party which exceeds the Maximum Resale Price shall be immediately and directly paid to the Municipality. Upon receipt of this excess amount, if any, the Municipality, acting by and through its Chief Elected Official, and the Secretary or the Secretary's designee shall issue to the third party a certificate in recordable form (the "Compliance Certificate") indicating the Municipality's receipt of the excess amount, if applicable, or indicating that no excess amount is payable, and stating that the Municipality and the Secretary have each elected not to exercise its right of first refusal hereunder and that all rights, restrictions, agreements and covenants set forth in this Deed Rider shall be henceforth null and void. This Compliance Certificate is to be recorded in the appropriate Registry of Deeds or regis-

tered with the appropriate Registry District of the Land Court and such Compliance Certificate may be relied upon by the then owner of the Property and by third parties as constituting conclusive evidence that such excess amount, if any, has been paid to the Municipality, or that no excess amount is payable, and that the rights, restrictions, agreements and covenants set forth herein are null and void.

(c) In the event the Municipality, within said thirty (30) day period, notifies the Grantee that the Municipality is proceeding to locate an eligible purchaser or that the Municipality shall exercise the Municipality's right of first refusal to purchase the Property, the Municipality may locate an eligible purchaser, who shall purchase the Property at the Maximum Resale Price subject to Deed Rider satisfactory in form and substance to EOCD, within ninety (90) days of the date that the Notice is given or the Municipality may purchase the Property itself at the Maximum Resale Price within ninety (90) days of the date that the Notice is given. If the Municipality shall fail to locate an eligible purchaser who purchases the Property within ninety (90) days of the date that the Notice is given, and if the Municipality fails to purchase the Property itself within said period, then, and only in such circumstances the Secretary, without any additional notice to the Grantee, may between ninety one (91) days of the date that the Notice is given and one hundred five (105) days of the date that the Notice is given, purchase the Property itself at the Maximum Resale Price, or locate an eligible purchaser, who shall between ninety one (91) days and one hundred five (105) days of the date that the Notice is given purchase the Property at the Maximum Resale Price, subject to a Deed Rider satisfactory in form and substance to EOCD. If more than one eligible purchaser is located by the Municipality, the Municipality shall conduct a lottery or other like procedure approved by EOCD to determine which eligible purchaser shall be entitled to the conveyance of the Property. If more than one eligible purchaser is located by the Secretary, the Secretary shall conduct a lottery or other like procedure in the Secretary's sole discretion to determine which eligible purchaser shall be entitled to the conveyance of the Property.

(d) If an eligible purchaser is selected to purchase the Property, or if the Municipality or the Secretary elects to purchase the Property, the Property shall be conveyed by the Grantee to such eligible purchaser or to the Municipality or the Secretary as the case may be, by a good and sufficient quitclaim deed conveying a good and clear record and marketable title to the Property free from all encumbrances except (i) such taxes for the then current year as are not due and payable on the date of delivery of the deed (ii) any lien for municipal betterments assessed after the date of the Notice, (iii) provisions of local building and zoning laws, (iv) all easements, restrictions,

covenants and agreements of record specified in the Deed from the Grantor to Grantee, (v) a Regulatory Agreement among EOCD, the Municipality and _____ [the Project Sponsor] dated _____ and recorded with the _____ Registry of Deeds in Book _____, Page _____ (the "Regulatory Agreement") or any successor regulatory agreement entered into between EOCD and the Municipality pursuant to the provisions of Section 16 of the Regulatory Agreement, (vi) such additional easements, restrictions, covenants and agreements of record as the Municipality and the Secretary consent to, such consent not to be unreasonably withheld or delayed, and (vii) in the event that the Property is conveyed to an eligible purchaser, a Deed Rider satisfactory in form and substance to EOCD which the Grantee hereby agrees to annex to said deed.

(e) Said deed shall be delivered and the purchase price paid (the "Closing") at the Registry of Deeds in the County where the Property is located, or at the option of the eligible purchaser (or the Municipality or the Secretary, as the case may be, if the Municipality or the Secretary is purchasing the Property), exercised by written notice to the Grantee at least five (5) days prior to the delivery of the deed, at such other place as the eligible purchaser (or the Municipality or the Secretary, as the case may be, if the Municipality or the Secretary is purchasing the Property) may designate in said notice. The Closing shall occur at such time and on such date as shall be specified in a written notice from the eligible purchaser (or the Municipality or the Secretary is purchasing the Property) to the Grantee, which date shall be the least five (5) days after the date on which such notice is given, and if the eligible purchaser is located by the Municipality, or if the Municipality is purchasing the Property no later than ninety (90) days after the Notice is given by the Grantee, or if the eligible purchaser is located by the Secretary, or if the Secretary is purchasing the Property, no earlier than ninety one days (91) days after the Notice is given by the Grantee and no later than one hundred five (105) days after the Notice is given by the Grantee.

(f) To enable Grantee to make conveyance as herein provided, Grantee may if he so desires at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests; all instruments so procured to be recorded simultaneously with the delivery of said deed.

(g) Water and sewer charges and taxes for the then current tax period shall be apportioned and fuel value shall be adjusted as of the date of Closing and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the eligible purchaser or by the Municipality or the Secretary.

(h) Full possession of the Property free from all occupants is to be delivered at the time of the Closing, the Property to be then in the same condition as it is in on the date hereof, reasonable wear and tear only excepted.

(i) If Grantee shall be unable to give title or to make conveyance as above stipulated, or if any change of condition in the Property not included in the above exception shall occur, then Grantee shall be given a reasonable time not to exceed thirty (30) days after the date on which the Closing was to have occurred in which to remove any defect in title or to restore the Property to the condition hereby provided for. The Grantee shall use best efforts to remove any such defects in the title whether voluntary or involuntary and to restore the Property to the extent permitted by insurance proceeds or condemnation award. The Closing shall occur fifteen (15) days after notice by Grantee that such defect has been cured or that the Property has been so restored. The eligible purchaser (or the Municipality or the Secretary, as the case may be, if the Municipality or the Secretary is purchasing the Property) shall have the election, at either the original or any extended time for performance, to accept such title as the Grantee can deliver to the Property in its then condition and to pay therefore the purchase price without deduction, in which case the Grantee shall convey such title, except that in the event of such conveyance in accordance with the provisions of this clause, if the Property shall have been damaged by fire or casualty insured against or if a portion of the Property shall have been taken by a public authority, then the Grantee shall, unless the Grantee has previously restored the Property to its former condition, either:

- (i) pay over or assign to the eligible purchaser or the Municipality or the Secretary as the case may be, on delivery of the deed, all amounts recovered or recoverable on account of such insurance or condemnation award less any amounts reasonable expended by the Grantee for the partial restoration, or
- (ii) if a holder of a mortgage on the Property shall not permit the insurance proceeds or the condemnation award or part thereof to be used to restore the Property to its former condition or to be so paid over or assigned, give to the eligible purchaser or to the Municipality or the Secretary, as the case may be, a credit against the purchase price, on delivery of the deed, equal to said amounts so retained by the holder of the said mortgage less any amounts reasonable expended by the Grantee for any partial restoration.

(j) If the Municipality fails to locate an eligible purchaser who purchases the Property within ninety (90) days after the

Notice is given, and the Municipality does not purchase the Property during said period, and the Secretary fails to locate an eligible purchaser who purchases the Property between ninety one (91) days and one hundred five (105) days after the Notice is given, and the Secretary does not purchase the Property within said period, then following expiration of one hundred five (105) days after the Notice is given by Grantee, the Grantee may convey the Property to any third party free and clear of all rights and restrictions contained herein, including, but not limited to the Maximum Resale Price, provided, however, all consideration and payments of any kind received by the Grantee for the conveyance of the Property to the third party which exceeds the Maximum Resale Price shall be immediately and directly paid to the Municipality. Upon receipt of this excess amount, if any, the Municipality and the Secretary shall issue to the third party a Compliance Certificate in recordable form indicating the Municipality's receipt of the excess amount, if any, and indicating that the Municipality and the Secretary have each elected not to exercise its right to locate an eligible purchaser and its right of first refusal hereunder and that all rights, restrictions, agreements and covenants contained herein are henceforth null and void. This Compliance Certificate is to be recorded in the appropriate Registry of Deeds or registered with the appropriate Registry District of the Land Court and such Compliance Certificate may be relied upon by the then owner of the Property and by third parties as constituting conclusive evidence that such excess amount, if any, has been paid to the Municipality and that the rights, restrictions, agreements and covenants set forth herein are null and void.

2. Resale and Transfer Restrictions: Except as otherwise stated herein, the Property or any interest, therein shall not at any time be sold by the Grantee, the Grantee's successors and assigns, and no attempted sale shall be valid, unless:

(a) the aggregate value of all consideration and payments of every kind given or paid by the eligible purchaser (as located and defined in accordance with Section 1 above) or the Municipality or the Secretary, as the case may be, to the then owner of the Property for and in connection with the transfer of such Property, is equal to or less than the Maximum Resale Price for the Property, and (i) if the Property is conveyed to an eligible purchaser, unless a certificate (the "Eligible Purchaser Certificate") is obtained and recorded, signed and acknowledged by the Secretary or the Secretary's designee and the Municipality acting by and through its Chief Elected Official which Eligible Purchaser Certificate refers to the Property, the Grantee, the eligible purchaser thereof, and the Maximum Resale Price therefor, and states that the proposed conveyance, sale or transfer of the Property to the eligible purchaser is in compliance with the rights, restrictions, covenants and agreements contained in this

Deed Rider, and unless there is also recorded a new Deed Rider executed by the eligible purchaser which new Deed Rider the Eligible Purchaser Certificate certifies is satisfactory in form and substance to EOCD and the Municipality; (ii) if the Property is conveyed to the Municipality unless a Certificate (the "Municipal Purchaser Certificate") is obtained and recorded, signed and acknowledged by the Secretary or the Secretary's designee and by the Municipality, acting by and through its Chief Elected Official, which Municipal Purchaser Certificate refers to the Property, the Grantee, the Municipality, and the Maximum Resale Price for the Property and states that the proposed conveyance, sale or transfer of the Property to the Municipality is in compliance with the rights, restrictions, covenants and agreements contained in this Deed Rider; or

(b) pursuant to Sections 1(b) or 1(f), any amount in excess of the Maximum Resale Price which is paid to the Grantee by a purchaser who is permitted to buy the Property pursuant to Sections 1(b) or 1(f), is paid by the Grantee to the Municipality, and the Secretary or the Secretary's designee and the Municipality acting by and through its Chief Elected Official execute and deliver a Compliance Certificate as described in Section 1(b) or 1(f) for recording with the appropriate registry of deeds or registry district.

(c) Any good faith purchaser of the Property, any lender or other party taking a security interest in such Property and any other third party may rely upon a Compliance Certificate or an Eligible Purchaser Certificate or a Municipal Purchaser Certificate referring to the Property as conclusive evidence of the matters stated therein and may record such Certificate in connection with conveyance of the Property, provided, in the case of an Eligible Purchaser Certificate and a Municipal Purchaser Certificate the consideration recited in the deed or other instrument conveying the Property upon such resale shall not be greater than the consideration stated in the Eligible Purchaser Certificate or the Municipal Purchaser Certificate as the case may be. If the Property is conveyed to the Secretary, the acceptance by the Secretary of a deed of the Property from the Grantee and the recording of such deed shall be deemed conclusive evidence that all rights, restrictions, covenants and agreements set forth in this Deed Rider have been complied with and no certificate to that effect shall be necessary to establish the validity of such conveyance. If the Property is conveyed to the Municipality, any future sale of the Property by the Municipality shall be subject to the provisions of Section 4 of the Regulatory Agreement.

(d) Within ten (10) days of the closing of the conveyance of the Property from Grantor to Grantee, the Grantee shall deliver to the Municipality and to the Secretary a true and certified copy of the Deed of the Property, together with information as to

the place of recording thereof in the public records. Failure of the Grantee, or Grantee's successors or assigns to comply with the preceding sentence shall not affect the validity of such conveyance.

(e) Notwithstanding anything to the contrary contained in this Deed Rider, the Maximum Resale Price shall not be less than the purchase price which the Grantee paid for the Property plus the costs of capital improvements and marketing expenses.

(f) The Grantee understands and agrees that nothing in this Deed Rider or the Regulatory Agreement in any way constitutes a promise or guarantee by EOCD or the Municipality that the Grantee shall actually receive the Maximum Resale Price for the Property or any other price for the Property.

3. Restrictions Against Leasing and Junior Encumbrances:
The Property shall not be leased, refinanced, encumbered (voluntarily or otherwise) or mortgaged without the prior written consent of the Secretary and the Municipality, provided, however, that this provision shall not apply to a first mortgage granted in connection with this conveyance. Any rents, profits, or proceeds from any transaction described in the last preceding sentence which transaction has not received the prior written consent of the Secretary and the Municipality shall be paid to and be the property of the Municipality. In the event that the Secretary and the Municipality in the exercise of their absolute discretion consent to any such lease, refinancing, encumbrance or mortgage, it shall be a condition to such consent that all rents, profits or proceeds from such transaction which exceed the carrying costs of the Property as determined by EOCD and the Municipality in their sole discretion shall be paid to and be the property of the Municipality.

4. Rights of Mortgagees: (a) Notwithstanding anything herein to the contrary, but subject to the next succeeding paragraph hereof, if the holder of record (other than the Grantor or any person related to the Grantor by blood, adoption, or marriage, or any entity in which the Grantor has a financial interest) of a first mortgage granted to a state or national bank, state or federal savings and loan association, cooperative bank, mortgage company, trust company, insurance company or other institutional lender or its successors or assigns (other than the Grantor, or any person related to the Grantor by blood, adoption or marriage, or any entity in which the Grantor has a financial interest) shall acquire the Property by reason of foreclosure or similar remedial action under the provisions of such mortgage or upon conveyance of the Property in lieu of foreclosure, and provided that the holder of such mortgage has given EOCD and the

Municipality not less than (60) days prior written notice of its intention to foreclose upon its mortgage or to accept a conveyance of the Property in lieu of foreclosure, the rights and restrictions contained herein shall not apply to such holder upon such acquisition of the Property, any purchaser (other than the Grantor or any person related to the Grantor by blood, adoption or marriage, or any entity in which the Grantor has a financial interest) of the Property at a foreclosure sale conducted by such holder, or any purchaser (other than the Grantor or any person related to the Grantor by blood, adoption or marriage, or any entity in which the Grantor has a financial interest) of the Property from such holder, and such Property shall thereupon and thereafter be free from all such rights and restrictions.

(b) In the event such holder, conducts a foreclosure or other proceeding enforcing its rights under such mortgage and the Property is sold for a price in excess of the greater of (i) the sum of the outstanding principal balance of the note secured by such mortgage plus all future advances, accrued interest and all reasonable costs and expenses which the holder is entitled to recover pursuant to the terms of the mortgage and (ii) the Maximum Resale Price applicable on the date of the sale, such excess shall be paid to the Municipality in consideration of the loss of the value and benefit of the rights and restrictions herein contained held by the Secretary and the Municipality and released by the Secretary and the Municipality pursuant to this section in connection with such proceeding (provided, that in the event that such excess shall be so paid to the Municipality by such holder, the Municipality shall thereafter indemnify such holder against loss or damage to such holder resulting from any claim made by the mortgagor of such mortgage to the extent that such claim is based upon payment of such excess by such holder to the Municipality in accordance herewith, provided that such holder shall give the Municipality prompt notice of any such claim and shall not object to intervention by the Municipality in any proceeding relating thereto.) In order to determine the Maximum Resale Price of the Property at the time of foreclosure or other proceeding, the Municipality or EOCD may, at its own expense, obtain an appraisal of the fair market value of the Property satisfactory to such holder. The Maximum Resale Price shall be equal to the appraised fair market value so obtained, multiplied by the Discount Rate assigned to the Property. If the holder disagrees with such appraised value, the holder may obtain a second appraisal, at the holder's expense and the Maximum Resale Price shall be equal to the average of the two appraisal amounts multiplied by the Discount Rate. To the extent the Grantee possesses any interest in any amount which would otherwise be payable to the Municipality under this paragraph, to the fullest extent permissible by law, the Grantee hereby assigns its interest in such amount to said holder for payment to the Municipality.

5. Covenants to Run With the Property: (a) The Grantor and the Grantee, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grant and assign to the Municipality, the Municipality's agents, successors, designees and assigns and to the Secretary, the Secretary's agents, successors, designees and assigns the right of first refusal to purchase the Property as set forth herein, and the right to enforce the rights and restrictions, covenants and agreements set forth in this Deed Rider. The Grantor and the Grantee hereby grant to the Municipality and to the Secretary the right to enter upon the Property for the purpose of enforcing any and all of the restrictions, covenants and agreements herein contained, and to enforce the Municipality's and the Secretary's rights of first refusal to purchase the Property and the rights of the Municipality and the Secretary to designate a purchaser of the Property as set forth herein, and of taking all actions with respect to the Property which the Municipality or the Secretary may determine to be necessary or appropriate, with or without court order, to prevent, remedy or abate any violation of the restrictions, covenants and agreements and to enforce the Municipality's and the Secretary's rights of first refusal to purchase the Property and the rights of the Municipality and the Secretary to designate a purchaser of the Property set forth herein. The rights hereby granted to the Municipality and the Secretary shall be in addition to and not in limitation of any other rights and remedies available to the Grantor or the Municipality or the Secretary for enforcement of the restrictions, rights, covenants and agreements set forth in this Deed Rider. It is intended and agreed that all of the agreements, covenants, rights and restrictions set forth above shall be deemed to be covenants running with the Property and shall be binding upon and enforceable against the Grantee, the Grantee's successors and assigns and any party holding title to the Property, for the benefit of and enforceable by the Municipality, the Municipality's agents, successors, designees and assigns and the Secretary, the Secretary's agents, successors, designees and assigns for a period which is the shortest of (i) fifty years from the creation of the restriction, or (ii) upon the recording of a Compliance Certificate or (iii) upon the recording of an Eligible Purchaser Certificate and a new Deed Rider executed by the eligible purchaser referenced in the Eligible Purchaser Certificate, which new Deed Rider the Eligible Purchaser Certificate certifies is in form and substance satisfactory to EOCD and the Municipality or (iv) upon the conveyance of the Property to the Municipality and the recording of a Municipal Purchaser Certificate as set forth herein or (v) upon the conveyance of the Property to the Secretary in accordance with the terms hereof.

(b) This Deed Rider and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be an

affordable housing restriction as that term is defined in M.G.L. c. 184, § 31 and as that term is used in M.G.L. c. 184, §§ 26, 31, 32, and 33.

(c) The Grantee intends, declares and covenants on behalf of itself and its successors and assigns (i) that this Deed Rider and the covenants, agreements, rights and restrictions contained herein shall be and are covenants running with the land, encumbering the Property for the term of this Deed Rider, and are binding upon the Grantee's successors in title, (ii) are not merely personal covenants of the Grantee, and (iii) shall bind the Grantee, its successors and assigns and enure to the benefit of the Municipality and the Secretary and their successors and assigns for the term of the Deed Rider. Grantee hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts to be satisfied in order for the provisions of this Deed Rider to constitute restrictions and covenants running with the land shall be deemed to be satisfied in full and that any requirements of privileges of estate are also deemed to be satisfied in full.

(d) Without limitation on any other rights or remedies of the Grantor, the Municipality, and the Secretary, their agents, successors, designees and assigns, any sale or other transfer or conveyance of the Property in violation of the provisions of this Deed Rider, shall, to the maximum extent permitted by law, be voidable by the Municipality, the Municipality's agents, successors, designees and assigns or by the Secretary, the Secretary's agents, successors, designees or assigns by suit in equity to enforce such rights, restrictions, covenants, and agreements.

6. Notice: Any notices, demands or requests that may be given under this Deed Rider shall be sufficiently served if given in writing and delivered by hand or mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set forth below, or such other addresses as may be specified by any party by such notice.

Municipality:

EOCD:

Executive Office of Communities and Development
Att'n: LIP Director
100 Cambridge Street, Room 1804
Boston, MA 02202

Grantor:

Grantee:

Any such notice, demand or request shall be deemed to have been given on the day it is hand delivered or mailed.

7. Further Assurances: The Grantee agrees from time to time, as may be reasonably required by the Municipality or the Secretary, to furnish the Municipality and the Secretary with a written statement, signed and, if requested, acknowledged, setting forth the condition and occupancy of the Property, information concerning the resale of the Property and all other information pertaining to the Property or the Grantee's eligibility for and conformance with the requirements of the LIP Program.

8. Waiver: Nothing contained herein shall limit the rights of the Secretary to release or waive, from time to time, in whole or in part, any of the rights, restrictions, covenants or agreements contained herein with respect to the Property. Any such release or waiver must be made in writing and must be executed by the Secretary or his/her designee.

9. Severability: If any provisions hereof or the application thereof to any person or circumstance shall come, to any extent, to be invalid or unenforceable, the remainder hereof, or the application of such provision to the persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each provision hereof shall be valid and enforced to the fullest extent permitted by law.

Executed as a sealed instrument this _____ day of _____, 199__.

Grantor:

By _____
Signature

Name

Its _____

Grantee:

By _____
Signature

Name

Signature

Name

LSlip-Dr.

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss _____, 199__

Then personally appeared the above-named _____, Grantor, and acknowledged the foregoing instrument to be his/her free act and deed, before me.

Notary Public _____
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss _____, 199__

Then personally appeared the above-named _____, Grantee(s), and acknowledged the foregoing instrument to be his/her/their free act and deed, before me.

Notary Public _____
My commission expires:

ACTON COMMUNITY HOUSING CORPORATION
P.O. BOX 681
ACTON, MASSACHUSETTS, 01720
(508)263-4776

MEMBERSHIP LIST 1993

Peter Berry, Chairman
39 Faulkner Hill Road
Acton, MA 01720
264-0265 H
617-951-2300 W

Steven Graham
47 Jackson Drive
Acton, MA 01720
263-3749 H
264-0480 W

Reverend William Heuss
533 Old Stonebrook Road
Village of Nagog Woods
Acton, MA 01720
263-0840 H
263-5782 W

Kevin McManus, Treasurer
15 Deacon Hunt Road
Acton, MA 01720
263-3738 H
937-8344 W

Jana Mullin
74 alcott Street
Acton, Ma. 01720
263-0877 H
369-3034 W

Naomi McManus, Clerk
15 Deacon Hunt Road
Acton, MA 01720
263-3738 H
263-4776 W

Pam Shuttle
7 Sachem Way
Acton, MA 01720
263-4953 H

Roy Smith
P.O.Box 519
Acton, MA 01720
263-0011
448-2150

Nancy Tavernier
35 Mohawk Drive
Acton, MA 01720
263-9611

Bob Wiltse, Vice Chairman
126 Parker Street
Acton, MA 01720
263-6738 H



ACTON COMMUNITY HOUSING CORPORATION MISSION STATEMENT

Background

The ACHC was incorporated by the Board of Selectmen as a direct result of the formation of the Housing Task Force to study the need for affordable housing and to recommend procedures for the implementation of the Town's Affordable Housing policy. The general affordable housing objectives of the ACHC have the approval of the Board of Selectmen, Town Manager, Zoning Board of Appeals, Planning Board, Conservation Commission, and other applicable Town Boards, Committees, and Agencies.

Responsibilities

The Board of Selectmen and the Town Manager, with the concurrence of the aforementioned Boards, Commissions, and Agencies have delegated certain defined responsibilities and functions to the ACHC. These include, but are not necessarily limited to, the following.

The ACHC will act as the Town's initial contact with developers of proposed affordable residential housing projects which are site-specific and for which the developer has indicated an intention to request an increase in allowed density or other variances in return for said provision of affordable housing. In this context, the ACHC will serve as a preliminary negotiating agency.

The ACHC may also initiate action intended to create affordable residential housing projects. In this context the ACHC will work to create a specific project consistent with Town policy.

Procedures

In fulfillment of this mission the Acton Community Housing Corporation will follow the course as outlined below.

The ACHC will forward its project specific preliminary recommendations and conclusions to each of the above mentioned Boards, Commissions and Agencies with a request for comments from each.

Comments will be reviewed with ACHC's Consultant, Project Proposers and the Authors of the comments. Following the review process by a majority vote of its Board of Directors, the ACHC will issue project specific recommendations which will be distributed to the Board of Selectmen and other appropriate designated town agencies.



DON P. JOHNSON
TOWN MANAGER

TOWN OF ACTON

TOWN HALL

472 MAIN STREET
ACTON, MASSACHUSETTS 01720
TELEPHONE (617) 264-9612

BOARD OF SELECTMEN

WILLIAM F. WEEKS, CHAIRMAN
CHARLES E. KOSTRO, JR., VICE-CHAIRMAN
NANCY E. TAVERNIER, CLERK
F. DORE HUNTER
DONALD R. GILBERTI

July 8, 1988

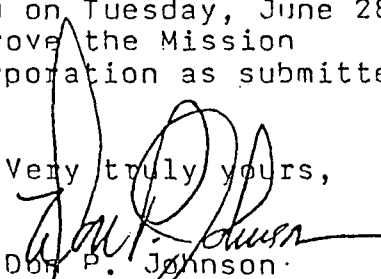
Naomi E. McManus, Secretary
Acton Community Housing Corporation
P. O. Box #681
Acton, MA 01720

RE: MISSION STATEMENT

Dear Ms. McManus:

The Board of Selectmen, at their meeting on Tuesday, June 28, 1988, voted unanimously, by consent, to approve the Mission Statement of the Acton Community Housing Corporation as submitted on June 22, 1988.

Very truly yours,


Don P. Johnson
Town Manager

acs

56019

ACTON COMMUNITY HOUSING CORPORATION

BOX 681

ACTON, MASSACHUSETTS 01720

HISTORY OF THE ACTON COMMUNITY HOUSING CORPORATION

JUNE OF '86

THE ACTON HOUSING AUTHORITY, THE ACTON FAIR HOUSING COMMISSION AND LOCAL CHURCH REPRESENTATIVES MET WITH THE ACTON SELECTMEN TO DISCUSS AND RECEIVE THEIR APPROVAL IN THE SUBMISSION OF AN APPLICATION TO EOCDC FOR THE TOWN TO BECOME A MEMBER OF THE MASSACHUSETTS HOUSING PARTNERSHIP.

FALL OF '86

ACTON SELECTMEN APPOINTED A TWELVE (12) MEMBER HOUSING TASK FORCE TO STUDY THE NEED OF AFFORDABLE HOUSING.

SPRING OF '87

TOWN MEETING VOTED TO AUTHORIZE THE ACTON SELECTMEN TO DEVELOP A PROCESS TO PROVIDE AFFORDABLE HOUSING FOR TOWN EMPLOYEES, ADULT CHILDREN OF ACTON RESIDENTS AND FOR THOSE PEOPLE WHO LIVE/WORK IN THE TOWN.

AUGUST '87

SELECTMEN VOTED TO DESIGNATE UP TO TWELVE COMMUNITY PEOPLE AS MEMBERS OF THE ACTON COMMUNITY HOUSING CORPORATION.

JUNE '88

SELECTMEN VOTED TO ADOPT ACHC'S MISSION STATEMENT.

ACCOMPLISHMENTS

1. AT THE JUNE '88 MASSACHUSETTS HOUSING EXPO ACTON WAS CITED BY AMY ANTHONY, SECRETARY OF THE EXECUTIVE OFFICE OF COMMUNITIES AND DEVELOPMENT AS ONE OF FIVE COMMUNITIES IN THE STATE TO RECEIVE THE COMMUNITY EXCELLENCE IN AFFORDABLE HOUSING AWARD.
2. MASSACHUSETTS HOUSING PARTNERSHIP AWARDED ACTON \$25,000 FOR A STRATEGIC PLANNING GRANT.
3. ACTON RECEIVED A \$5000.00 GRANT FROM MHP TO HIRE A CONSULTANT TO REVIEW A DEVELOPER'S PROPOSED PROJECT.
4. MASSACHUSETTS HOUSING PARTNERSHIP AWARDED ACTON A \$30,000 GRANT IN ORDER TO HIRE A PARTNERSHIP PLANNER. ACTON WAS DESIGNATED BY MHP/EOCD TO BE THE LEAD COMMUNITY FOR THE SHARING OF THE PARTNERSHIP PLANNER.
5. ACTON RECEIVED FORMAL NOTIFICATION THAT THREE AFFORDABLE HOUSING DEVELOPMENTS HAD SET ASIDE FUNDING.



TOWN OF ACTON

TOWN CLERK

TOWN HALL

422 MAIN STREET

ACTION, MASSACHUSETTS 01720

TELEPHONE (617) 264-9615

EXCERPT OF THE PROCEEDINGS OF THE ANNUAL TOWN MEETING
HELD APRIL 7, 1987 WITH ADJOURNED SESSIONS HELD
APRIL 8, 1987, APRIL 9, 1987 AND APRIL 11, 1987

ARTICLE 51. Fair Housing Resolution

To see if the Town will vote to adopt the following resolution:

WHEREAS the recent sharp increases in housing costs have priced families and individuals out of the homebuying market;
WHEREAS the Massachusetts Zoning Act (Chapter 40A of the M.G.L.) provides that one of the purposes for zoning is to encourage housing for persons of all income levels;
WHEREAS many who work within the community can no longer afford to locate within its boundaries; and
WHEREAS the adult children of Acton are finding it increasingly difficult to stay within the community due to the high cost of housing;

BE IT therefore RESOLVED that the Town of Acton promote the provision of affordable housing within its boundaries, and further support the investigation and potential formation of a public non-profit autonomous body to promote affordable housing.

ARTICLE 51.

Voted: That the Affordable Housing Resolution be adopted as follows:

WHEREAS the recent sharp increases in housing costs have priced families and individuals out of the homebuying market;
WHEREAS the Massachusetts Zoning Act (Chapter 40A of the M.G.L.) provides that one of the purposes for zoning is to encourage housing for persons of all income levels;
WHEREAS many who work within the community can no longer afford to locate within its boundaries; and
WHEREAS the adult children of Acton are finding it increasingly difficult to stay within the community due to the high cost of housing;

BE IT therefore RESOLVED that the Town of Acton promote the provision of affordable housing within its boundaries, and further support the investigation and potential formation of a public non-profit autonomous body to promote affordable housing.

The Commonwealth of Massachusetts

Office of the Secretary of State
One Ashburton Place, Boston, MA 02108
Michael Joseph Connolly, Secretary

ARTICLES OF ORGANIZATION

(Under G.L. Ch. 180)

Incorporators

NAME

RESIDENCE

Include given name in full in case of natural persons; in case of a corporation, give state of incorporation.

Steven R. Graham

47 Jackson Drive Acton, Massachusetts
01720

Roy C. Smith

28 Joseph Reed Lane Acton, Massachusetts
01720

Brian D. Lanigan

24 Conant Street Acton, Massachusetts
01720

001002523
The above-named incorporator(s) do hereby associate (themselves) with the intention of forming a corporation under the provisions of General Laws, Chapter 180 and hereby state(s):

- 2
ved
1. The name by which the corporation shall be known is:

87 237001

Acton Community Housing Corporation

2. The purposes for which the corporation is formed is as follows:

To operate exclusively for charitable and educational purposes and to promote the provision of affordable housing within the town of Acton, and generally do all acts and things permitted to non-profit corporations under the provisions of Chapter 180 of the General Laws of Massachusetts and Section 501 (c)(3) of the Internal Revenue Code of 1954, as from time to time amended.

4
Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on separate 8 1/2 x 11 sheets of paper leaving a left hand margin of at least 1 inch for binding. Additions to more than one article may be continued on a single sheet so long as each article requiring each such addition is clearly indicated.

If the corporation has more than one class of members, the designation of such classes, the manner of election or appointment, the duration of membership and the qualification and rights, including voting rights, of the members of each class, are as follows: -

Not Applicable

Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or members, of any class of members, are as follows:-

The corporation shall have the following powers in furtherance of its corporate purposes:

- (a) The corporation shall have perpetual succession in its corporate name.
- (b) The corporation may sue and be sued.
- (c) The corporation may have a corporate seal which it may alter at pleasure.
- (d) The corporation may elect or appoint directors, officers, employees and other agents, fix their compensation and define their duties and obligations.
- (e) The corporation may purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated, in an unlimited amount.
- (f) The corporation may solicit and receive contributions from any and all sources and may receive and hold, in trust or otherwise, funds received by gift or bequest;

the corporation has more than one class of members, the designation of such classes, the manner of election or appointment, the duration of membership and the qualification and rights, including voting rights, of the members of each class, are as follows: -

Not Applicable

Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or members, of any class of members, are as follows:-

The corporation shall have the following powers in furtherance of its corporate purposes:

- (a) The corporation shall have perpetual succession in its corporate name.
- (b) The corporation may sue and be sued.
- (c) The corporation may have a corporate seal which it may alter at pleasure.
- (d) The corporation may elect or appoint directors, officers, employees and other agents, fix their compensation and define their duties and obligations.
- (e) The corporation may purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated, in an unlimited amount.
- (f) The corporation may solicit and receive contributions from any and all sources and may receive and hold, in trust or otherwise, funds received by gift or bequest;

(g) The corporation may sell, convey, lease, exchange, transfer or otherwise dispose of mortgage, pledge, encumber or create a security interest in, all or any of its property, or any interest therein, wherever situated.

(h) The corporation may purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, employ, sell, lend, lease, exchange, transfer, or otherwise dispose of, mortgage, pledge, use and otherwise deal in and with; bonds and other obligations, shares, or other securities or interests issued by others, whether engaged in similar or different business, governmental, or other activities.

(i) The corporation may make contracts, give guarantees and incur liabilities, borrow money at such rates of interest as the corporation by mortgage, pledge or encumbrance of, or security interest in, all or any of its property or any interest therein, wherever situated.

(j) The corporation may lend money, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(k) The corporation may do business, carry on its operations, and have offices and exercise the power granted by the Massachusetts General Laws, Chapter 180, as now in force or as hereafter amended, in any jurisdiction within or without the United States, although the corporation shall not be operated for the primary purpose of carrying on for profit a trade of business unrelated to its tax exempt purposes.

(l) Unless the corporation is entitled to exemption from federal income tax under Section 501(c) (3) of the Internal Revenue Code in which case it shall make no contribution for other than religious, charitable, scientific, literary or educational purposes, the corporation may make donations in such amounts as the members or directors shall determine, irrespective of corporate benefit, for the public welfare or for community fund, hospital, charitable, religious, educational, scientific, civic, agency in aid thereof.

(m) The corporation may be an incorporator of other corporations of any type or kind.

(n) The corporation may be a partner in any business enterprise which it would have the power to conduct by itself.

(o) The director may make, amend, or repeal the by-laws in whole or in part, except with respect to any provision thereof which by law or the by-laws requires action by the members.

(p) Meetings of the members may be held anywhere in the United State.

) The corporation shall, to the extent legally permissible and only to the extent that the status of the corporation as an organization except under Section 501(c)(3) of the Internal Revenue Code is not affected thereby, indemnify each of its directors, officers, employees or other agents (including persons who serve at its request as directors, officers, employees, or other agents of another organization in which it has an interest) against all liabilities and expenses, including amounts paid in satisfaction of judgments, in compromise or fines and penalties, and counsel fees, reasonably incurred by him in connection with the defense or disposition of any action, suit or other proceeding, whether civil or criminal, in which he may be involved or with which he may be threatened, while in office or thereafter, by reason of his being or having been such a director, officer, employee or agent, except with respect to any matter as to which he shall have been adjudged by a court of competent jurisdiction not to have acted in good faith in the reasonable belief that his action was in the best interest of the corporation, provided, however that as to any matter disposed of by a compromise payment by such director, officer, employee or agent, pursuant to a court decree or otherwise, no indemnification either for said payment or for any other expense shall be provided unless such compromise shall be approved as in the best interests of the corporation, after notice that it involves such indemnification: (a) by a disinterested majority of the directors then in office; or (b) by a majority of the disinterested directors then in office, provided that there has been obtained an opinion in writing of independent legal counsel to the effect that such director, officer, employee or agent appears to have acted in good faith in the reasonable belief that his action was in the best interest of the corporation; or (c) by a majority of the disinterested member entitled to vote, voting as a single class. Expenses including counsel fees, reasonably incurred by any such director, officer, trustee, employee or agent in connection with the defense or disposition thereof upon receipt of an undertaking by such individual to repay the amounts so paid from time to time by the corporation in advance of the final disposition thereof upon receipt of an undertaking by such individual to repay the amounts so paid to the corporation if he shall be adjudicated to be not entitled to indemnification under Massachusetts General Laws, Chapter 180, Section 6. The right of indemnification hereby provided shall not be exclusive of or affect any other rights to which any director, officer, employee or agent may be entitled.

Nothing contained herein shall affect any rights to indemnification to which corporate personnel may be entitled by contract or otherwise under law. As used in this paragraph, the terms "directors", "officers", "employee" and "agent" include their respective heirs, executors and administrators, and an "interested" director is one against whom in such capacity the proceedings in question or another proceeding on the same or similar grounds is then pending.

(r) No person shall be disqualified from holding any office by reason of any interest. In the absence of fraud, any director, officer, or member of this corporation individually, or any individual having any interest in any concern in which any such directors, officers, members, or individuals have any interest, may be a party to, or may be pecuniarily or otherwise interested in, any contract, transaction, or other act of this corporation, and

(1) such contract, transaction, or act shall not be in any way invalidated or otherwise affected by that fact;

(2) no such director, officer, member, or individual shall be liable to account to this corporation for any profit or benefit realized through any such contract, transaction, or act, and

(3) any such director of this corporation may be counted in determining the existence of a quorum at any meeting of the directors of any committee thereof which shall authorize any such contract, transaction or act, and may vote to authorize the same;

the term "interest" including personal interest and interest as a director, officer, stockholder, shareholder, trustee, member of beneficiary of any concern; the term "concern" meaning any corporation association, trust partnership, firm, person, or other entity other than this corporation.

(s) No part of the assets of the corporation and no part of any not earnings of the corporation shall be divided among or inure to the benefit of any officer or director of the corporation or any private individual or be appropriated for any purposes other than the purposes of the corporation as herein set forth; and no substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office. It is intended that the corporation shall be entitled to exemption from federal income tax under Section 501(c)(3) of the Internal Revenue Code and shall not be a private foundation under Section 509(a) of the Internal Revenue Code.

t) Upon the liquidation or dissolution of the corporation, after payment of all of the liabilities of the corporation or due provision therefor, all of the assets of the corporation shall be disposed of to one or more organizations exempt from federal income tax under Section (c)(3) of the Internal Revenue Code.

(u) In the event that the corporation is a private foundation as that term is defined in Section 509 of the Internal Revenue Code, then notwithstanding any other provisions of the articles or organization or the by-laws of the corporation, the following provisions apply:

The directors shall distribute the income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code.

The directors shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code; nor retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code; nor make any investments in such manner as to incur tax liability under Section 4944 of the Internal Revenue Code; nor make any taxable expenditures as defined in Section 4965(d) of the Internal Revenue Code.

(v) The corporation may have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is formed provided that no such power shall be exercised in a manner inconsistent with Massachusetts General Laws, Chapter 180 or any other chapter of the General Laws of the Commonwealth of Section 501(c) (3) of the Internal Revenue Code.

(w) All references herein to the Internal Revenue Code shall be deemed to refer to the Internal Revenue Code of 1954, as now in force or hereafter amended.

Continuation Sheet

Board for Acton Community
Housing Corporation:

Elected to a Term of:

Jana Mullin
74. Alcott Street
Acton, Massachusetts

3 years

Barbara Yates
12 Whittier Drive
Acton, Massachusetts

2 years

Brian D. Lanigan
24 Conant Street
Acton, Massachusetts

2 years

Steven R. Graham
47 Jackson Drive
Acton, Massachusetts

3 years

oy C. Smith
28 Joseph Reed Lane
Acton, Massachusetts

3 years

David Hartwell
409 Main Street
Acton, Massachusetts

2 years

Naomi E. McManus
15 Deacon Hunt Drive
Acton Massachusetts

2 years

Charles E. Kōstro
12 Lothrop Road
Acton, Massachusetts

3 years

Ann Anderson
27 Tuttle Drive
Acton, Massachusetts

1 year

5. By-laws of the corporation have been duly adopted and the initial directors, president, treasurer and clerk or other presiding, financial or recording officers whose names are set out below, have been duly elected.
6. The effective date of organization of the corporation shall be the date of filing with the Secretary of the Commonwealth or if later date is desired, specify date, (not more than 30 days after date of filing).
7. The following information shall not for any purpose be treated as a permanent part of the Articles of Organization of the corporation.
- a. The post office address of the initial principal office of the corporation in Massachusetts is:

Town Hall, Acton, Massachusetts 01720

- b. The name, residence, and post office address of each of the initial directors and following officers of the corporation are as follows:

NAME	RESIDENCE	POST OFFICE ADDRESS
President: Steven R. Graham	47 Jackson Drive Acton, MA 01720	Same
Vice President: Roy C. Smith	28 Joseph Reed Lane Acton MA 01720	Same
Treasurer: Brian D. Lanigan	24 Conant Street Acton, MA 01720	Same
Clerk: Naomi E. Mc Manus	15 Deacon Hunt Drive Acton, MA 01720	Same

Directors: (or officers having the powers of directors)

See continuation sheet attached.

- c. The date initially adopted on which the corporation's fiscal year ends is:

June 30

- d. The date initially fixed in the by-laws for the annual meeting of members of the corporation is:

First Monday in October

- e. The name and business address of the resident agent, if any, of the corporation is:

IN WITNESS WHEREOF, and under the penalties of perjury the INCORPORATOR(S) sign(s) these Articles of Organization this 13th day of August, 1987

I/We the below signed INCORPORATORS do hereby certify under the pains and penalties of perjury that I/We have not been convicted of any crimes relating to alcohol or gaming within the past ten years: I/We do hereby further certify that to the best of my/our knowledge the above named principal officers have not been similarly convicted. If so convicted, explain.

Steven R. Graham

Roy C. Smith

Brian D. Lanigan

The signature of each incorporator which is not a natural person must be by an individual who shall show the capacity in which he acts and by signing shall represent under the penalties of perjury that he is duly authorized on its behalf to sign these Articles of Organization.

THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF ORGANIZATION
GENERAL LAWS, CHAPTER 180

I hereby certify that, upon an examination of the within-written articles of organization, duly submitted to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles; and the filing fee in the amount of \$30.00 having been paid, said articles are deemed to have been filed with me this day of 19

Effective date

MICHAEL JOSEPH CONNOLLY
Secretary of State

TO BE FILLED IN BY CORPORATION
PHOTO COPY OF ARTICLES OF ORGANIZATION TO BE SENT

TO:

..... Steven R. Graham, Esquire.....
..... Scheier, Scheier, & Graham, P.C.....
..... 411 Massachusetts Avenue.....
Telephone..... 263-9562.....

Filing Fee \$30.00

Copy Mailed



DON P. JOHNSON
TOWN MANAGER

TOWN OF ACTON

TOWN HALL

472 MAIN STREET
ACTON, MASSACHUSETTS 01720
TELEPHONE (617) 264-9612

BOARD OF SELECTMEN

WILLIAM F. WEEKS, CHAIRMAN
CHARLES E. KOSTRO, JR., VICE-CHAIRMAN
NANCY E. TAVERNIER, CLERK
F. DORE' HUNTER
DONALD R. GILBERTI

October 21, 1988

Mr. David Hartwell
Chairman
Acton Community Housing Corp.
Box 681
Acton, MA 01720

Dear Mr. Hartwell:

The Acton Board of Selectmen in their regular meeting of October 4, 1988 voted unanimously to designate the following individuals as special municipal employees serving as members of Acton's Local Housing Partnership (Acton Community Housing Corporation). This designation is for conflict of interest purposes under Chapter 268A of the Massachusetts General Laws.

It is also the Selectmen's intent that the ACHC members, when acting within their public purposes as directed by the Selectmen in the ACHC's Mission Statement (see attached copy), will be provided liability protection in accordance with Chapter 258 of the Massachusetts General Laws. When functioning in this capacity the members of ACHC will be included as public officers and employees for liability insurance purposes.

Members of ACHC:

Sandy Bayne
Steven Day
Bill Gothorpe
David Hartwell
Charles Kostro
Kevin McManus

Naomi McManus
Jana Mullin
Marlin Murdock
Roy Smith
Ric Black

Sincerely,

William Weeks, Chairman
ACTON BOARD OF SELECTMEN

294(2)
Enc.

BYLAWS
OF
ACTON COMMUNITY HOUSING CORPORATION

ARTICLE 1

Name and Area

Section 1

The name of this organization shall be the Acton Community Housing Corporation, a private nonprofit organization established under Chapter 180 of the General Laws of Massachusetts, henceforth referred to as "the Corporation or Acton Community Housing Corporation."

Section 2

The Acton Community Housing Corporation Area is defined as follows: The Town of Acton.

Section 3

The place of business shall be the Town Hall, Acton, Massachusetts, 01720.

ARTICLE II

Membership

Membership of the Acton Community Housing Corporation shall be open to all persons who either reside in or are employed in Acton, are eighteen (18) years of age or older, and who have completed the Acton Community Housing Corporation membership application and filed it with the Acton Community Housing Corporation office.

ARTICLE III

Function and Purpose

Section 1

The function and purpose of the Acton Community Housing Corporation shall be as set forth in the Corporation's Articles of Organization.

ARTICLE IV

Board of Directors

Section 1

There shall be a Board of Directors consisting of a maximum of twelve (12) but not less than eight (8) members, which Board shall have the general authority to conduct the affairs of the Corporation, which shall always be consistent with the Corporation's educational and charitable purposes.

A. Appointment of an Executive Director, at its discretion, to administer the organization, direct its daily operation, and execute the policies of the Board. The Board shall determine the qualifications, duties, and compensation to the Executive Director. All other staff personnel shall be appointed by the Executive Director with the advice and consent of the Board.

B. Final absolute power of the Corporation, including the power to enter into agreements and contracts, purchase, lease and sell property, and the power to make loans or grants and purchase equity.

C. Determination, subject to applicable laws and regulations of the Federal and state governments, of major personnel, fiscal and program policy.

D. Final approval of all program proposals and budgets.

E. Enforcement of compliance with all applicable conditions or grants and contributions.

Section 2

Members of the Board:

A. The members of the Board shall be elected by the General Membership.

B. The Board may from time-to-time fill vacancies of elected members on the Board to serve until the next general elections to be eligible to vote.

. The format of the initial election is as follows:

.. One-third($1/3$) of the elected Board members will be elected to a three year term; one-third($1/3$) will be elected to a two year term; and one-third($1/3$) will be elcted to a one year term. Subsequently, elections will be held annually for one-third($1/3$) of the elcted members for a three year term.

D. For the purpose of all Board elections, the genral membership shall have completed and filed a membership application at least four(4) weeks prior to the election to be eligible to vote.

Section 3

At any meeting of the Board of Directors, a majority of the Directors currently serving on the Board of Directors shall constitute a quorum for the transaction of business at any meeting. There shall be no voting by proxy at any of the meetings at which a quorum is present at the time of the act shall be the act of the Board of Directors, except as otherwise noted in these Bylaws.

ection 4

Election and appointment of Directors shall take place on the first Monday of April.

Section 5

Absence from three(3) consecutive meetings of the Board of Directors without previous notification or a valid reason shall be considered a resignation. The Board of Directors shall be vested with the authority to remove any Officer or Director from office, for cause, upon one week's written notice of the purpose of the meeting, and providing a majority of the Directors are present, a vote of two-thirds($2/3$) of those present and voting in favor of removal shall effectuate removal of such Officers or Directors.

Section 6

The fiscal year of the Corporation shall extend from July 1st to the ensuing June 30th, except as the same may be otherwise determined by resolution of the Directors.

ARTICLE V

Officers

Section 1

The Officers of the Acton Community Housing Corporation shall be a President, Vice President, Clerk, and Treasurer. No person may hold two(2) Officer positions simultaneously. All Officers shall be elected by the Board from among its members after nomination by the Nominating Committee.

Section 2

The duties of each Officer shall be:

A. The President, as chief Officer and spokesperson for the Corporation, shall, in addition to fulfilling normal duties of the position, appoint such committees as may be needed. All such appointment shall be approved by a majority vote of the Board of Directors. In addition, the Chairperson shall sign, on behalf of the Corporation, all deeds, contracts, and other formal instruments.

B. The Vice President shall fulfill the responsibilities of the Chairperson during the Chairperson's absence or incapacitation, assist the Chairperson in discharging responsibilities as the Chairperson may see fit, and fulfill any duties that may be determined by the Board of Directors.

C. The Clerk shall be responsible for the taking and safekeeping of the official minutes of the Corporation, its records, and any other responsibilities as may be required under the Statutes of the Commonwealth of Massachusetts. The Clerk of the Corporation shall be responsible for providing Minutes of the prior meeting and the Notice of Meeting at least five(5) days prior to any Directors' meeting.

D. The Treasurer of the Corporation shall have charge of all papers and records of the Corporation and shall have the responsibility for the funds of the Corporation and for keeping full and accurate accounts and records of all receipts and disbursements of the Corporation. All such papers, records, and accounts shall be kept at the principal place of business of the Corporation and be open to inspection by any Director, at intervals of not more than twelve(12) months and prior to the annual meeting. (No funds shall be expended by the Corporation except in furtherance of its educational and charitable purposes.)

Section 3

The term of office for all Officers shall be one(1) year and Officers are eligible for reelection to successive terms. Officers shall be elected at the first meeting of the Board following the General Elections.

Section 4

The Board of Directors may make interim appointments to fill Officer vacancies. These appointments will be effective until the first meeting of the Board following the General Elections.

Section 5

The Corporation shall, to the extent legally permissible, indemnify each of its Directors and Officers, former Directors and former Officers, and may indemnify all employees or agents of the Corporation against all liabilities and expense, including amounts paid in satisfaction of judgement, in compromise or as fines and penalties, and counsel fees, reasonably incurred by him/her in connection with the defense or disposition of any action, suit, or other proceeding, whether civil or criminal, in which he/she may be involved, or with which he/she may be threatened, while in office, except with respect to any matter as to which he/she shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his/her action was in the best interests of the Corporation; provided, however, that as to any matter disposed of by a compromise payment such Director, Officer, employee, or agent, pursuant to a consent decree or otherwise, no indemnification either for said payment or for any other expenses shall be provided unless such compromise shall be approved as in the best interests of the Corporation, after notice that it involves such indemnification, if a majority of the Directors then in office are disinterested, by two-third(2/3) of the disinterested Directors then in office. The right of indemnification hereby provided shall not be exclusive of or affect any other rights to which any Director, Officer, employee, or agent may be entitled. As used in this paragraph, the terms "Director", "Officer", "employee", and "agent" include their respective heirs, executors, and administrators, and an "interested" Director or Officer is one against whom in such capacity the proceedings in question or another proceeding on the same or similar grounds is then pending.

Section 6

All committees, with the exception of the Executive Committee, shall be composed of members of the Board or from the general membership, and shall report to the Board of Directors for the action on their reports. The reports of all committees shall be read into the minutes of the meeting at which they are presented.

ARTICLE VI

Executive Committee

Section 1

The Executive Committee shall consist of the President, and Treasurer and three(3) other Board members at large elected by the Board.

Section 2

The Executive Committee shall be empowered to act on behalf the Board of Directors between meetings. Any action taken by the Executive Committee shall be subject to ratification by the Board at its next meeting (and shall always be consistent with the Corporation's educational and charitable purposes).

Section 3

The Executive Committee shall hold meetings as required at the call of any one or more of its members.

Section 4

A quorum of the Executive Committee shall be four(4).

ARTICLE VII

Nominating Committee

Section 1

A nominating committee of five(5) shall be appointed by the Chairperson of the Board of Directors of the Corporation. The nominating committee shall consist of five(5) Directors other than the current Officers.

ction 2

The duties of the nominating committee are:

- A. To nominate persons as members of the Board of Directors for regular and vacant terms under Article IV, Section 2.
- B. To nominate persons as Officers: A slate of candidates for each office shall be drawn up by this committee and sent to each member of the Board at least ten(10) days prior to the election meeting. Nominations will be accepted from the floor and write-in candidates will be accepted.
- C. To nominate the three(3) members at large of the Executive Committee, and provisions shall be made for individuals to nominate themselves.

Section 3

A quorum for meetings of the nominating committee shall be three(3).

ection 4

Other committees. The Board of Directors may, by vote of a majority of the Directors then in office, appoint one or more committees of one or more persons and delegate to such committees some or all of their powers to the extent permitted by law, the Article of Organization, or these Bylaws. Any committee to which the powers of the Board of Directors are delegated shall consist solely of Directors. Except as the Board of Directors may otherwise determine, any such committee shall be governed in the conduct of its business by the rules governing the conduct of the business of the Board of Directors contained in these Bylaws and may, by majority vote of the entire committee, make other rules for the conduct of its business. The Board of Directors shall have power at any time to fill vacancies in any such committees, to change its membership, or to discharge the committee.

ARTICLE VIII

Amendments

Section 1

These Bylaws may be amended by a two-thirds(2/3) vote of the Board of Directors at any meeting of the Board of

Directors at any meeting of the Board of Directors of the Acton Community Housing Corporation. A copy of the proposed amendment shall be furnished to each Director at least seven(7) days prior to such meetings.

ARTICLE VIII

Specific Operating Procedures

Section 1

All meetings of the Acton Community Housing Corporation shall be posted in accordance with Chapter 303, Acts of 1975, Open Meeting Law, and the Board of Directors shall be notified at least five(5) days in advance.

Section 2

There shall be an Annual Meeting of the general membership to be held on the first Monday in October for the purpose of the annual reports and other appropriate business. Furthermore, a general meeting may be called at any time by the Board of Directors.

Section 3

All meetings shall be open to the public and held in a public place. Records and minutes of said meetings shall be available for public inspection at all times in the Acton Community Housing Corporation's normal place of business, at least five(5) days prior to the meeting.

Section 4

The Board of Directors shall meet at least eight (8) times per year. Duration between meetings shall not exceed forty-five(45) days.

Section 5

No Officer or Director shall receive any compensation or remuneration from the Corporation, provided, however, the Board of Directors may see fit to reimburse its Directors and Officers for any reasonable and necessary expense incurred. Members of the Board of Directors are prohibited from accepting gifts, monies, or gratuities from the following:

- A. from persons receiving benefits or services under any program financed by local, state, or Federal funds;
- B. from any person or agency performing services under contract;

- C. from persons who are otherwise in a position to benefit from the actions of a Board member.

ARTICLE X

Conflict of Interest

Section 1

Conflict of Interest. No contract or other transaction of the Corporation shall, in the absence of fraud, be affected or invalidated by the fact that any member or Officer of the Corporation or any corporation firm or association of which he may be a Director, Officer, stockholder, or member may be a party to or may have an interest, pecuniary or otherwise, in any such contract or other transaction, provided that the nature and extent of his interest was disclosed to, or known by, the entire membership before acting on such contract or other transaction. Except in the case of any contract or other transaction between the Corporation and any other corporation controlling, controlled by, or under common control with Officer, stockholder, or member of any corporation, firm or association with which the Corporation proposes contract or transacts any business, or other transaction, may not be counted in determining the existence of a quorum at any meeting of the members or Board of Directors which shall authorize any such contract or such transaction, and such Director shall not participate in the vote to authorize any such contract or transaction.

ARTICLE XI

Liquidation of the Corporation

If, in the opinion of two-thirds(2/3) of the Board of Directors, it becomes necessary or desirable to dissolve this Corporation, the assets of the Corporation shall be applied and distributed as follows:

- A. All liabilities and obligations of the Corporation shall be paid, satisfied, and discharged, or adequate provision shall be made thereof.
- B. Assets held by the Corporation under conditions requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution shall be returned, transferred, or conveyed in accordance with such requirements.

- C. All other assets shall be transferred to corporations, persons, groups, or organizations engaged in activities which substantially carry out the purposes of the Acton Community Housing Corporation, as then stated in its Charter and Bylaws (and which are exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code of 1954, or successor provisions thereto.

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
G.P.O. BOX 1680
BROOKLYN, NY 11202

DEPARTMENT OF THE TREASURY

100-11354

Date: DEC 11 1980

Employer Identification Number:

04-2583094

Contact Person:

KEVIN T WILLIAMS

Contact telephone Number:

(718) 780-4535

ACTON COMMUNITY HOUSING CORPORATION
BOX 681
ACTON, MA 01720

Accounting Period Ending:

June 30

Form 990 Required:

Yes

Addendum Applies:

Yes

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in section 509(a)(2).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(2) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(2) organization.

Letter 947(DO/CG)

ON COMMUNITY HOUSING CORPORATION

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

In accordance with section 508(a) of the Code, the effective date of this determination letter is August 25, 1987.

This determination is based on evidence that your funds are dedicated to the purposes listed in section 501(c)(3) of the Code. To assure your

TON COMMUNITY HOUSING CORPORATION

continued exemption, you should maintain records to show that funds are expended only for those purposes. If you distribute funds to other organizations, your records should show whether they are exempt under section 501(c)(3). In cases where the recipient organization is not exempt under section 501(c)(3), there should be evidence that the funds will remain dedicated to the required purposes and that they will be used for those purposes by the recipient.

If distributions are made to individuals, case histories regarding the recipients should be kept showing names, addresses, purposes of awards, manner of selection, relationship (if any) to members, officers, trustees or donors of funds to you, so that any and all distributions made to individuals can be substantiated upon request by the Internal Revenue Service. (Revenue Ruling 56-304, C.B. 1956-2, page 306.)

Evidence submitted with your application indicates that you may engage in lobbying activities. Section 501(c)(3) of the Code specifically prohibits lobbying as a substantial part of your activities. If you do not wish to be subject to the test of substantiality under section 501(c)(3), you may elect to be covered under the provisions of 501(h) of the Code by filing Form 5768, Election/Revocation of Election by an Eligible Section 501(c)(3) Organization to Make Expenditures to Influence Legislation. This section establishes ceiling amounts for lobbying expenditures.

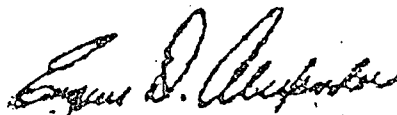
If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



Eugene D. Alexander
District Director

Addendum

-4-

ACTON COMMUNITY HOUSING CORPORATION

This letter supercedes our letter dated January 5, 1989.

Internal Revenue Service

Department of the Treasury

Date: January 24, 1990

Employer Identification Number:

11-8272017

Key District:

Brooklyn

Date of Key District's Proposed

Adverse Letter:

January 5, 1989

Person to Contact:

Margaret A. McLaughlin

Contact Telephone Number:

(617) 565-7900

Acton Community Housing Corp.
C/O Acton Housing Authority
Box 681
Acton, MA 01720

Dear Applicant:

This letter revokes the proposed adverse letter issued to you by your key District Director on the above date and reflects our consideration of your appeal. Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code.

Donors may deduct contributions to you as provided in Code section 170. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under Code section 511. If you are subject to this tax, you must file an income tax return on Form 990-T. In this letter, we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in Code section 513.

Unless specifically excepted, you must pay taxes under the Federal Insurance Contributions Act (social security taxes) for each employee who is paid \$100 or more in a calendar year. You are not required to pay tax under the Federal Unemployment Tax Act (FUTA).

Please show your employer identification number on all returns you file and in all correspondence with the Internal Revenue Service.

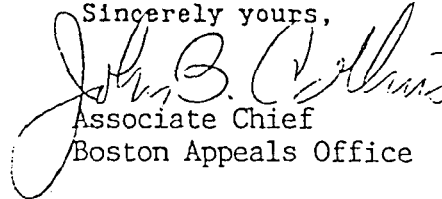
If you change your purposes, character, or method of operation, please let your key district office know so that it can consider the effect of the change on your exempt status. Also, you should advise your key District Director of all changes in your name or address.

Boston Appeals Office
10 Caseway St., Rm. 493, Boston, MA 02222-1083

We are informing your key district of this action and are returning your case to that office for a decision on your foundation status. That decision will determine the kind of annual return you will be required to file with the Internal Revenue Service.

Because this letter could help resolve any questions about your exempt status, you should keep it in your permanent records. If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,


Associate Chief
Boston Appeals Office

ACTON MASTER PLAN

RECOMMENDED ZONING CHANGES FOR AFFORDABLE HOUSING

September, 1990



Acton Planning Council

11

THE PUBLIC PLANNING PROCESS

In April of this year, Acton's Town Meeting approved a number of zoning changes, marking the beginning of a new Land Use Plan for Acton. Adoption of these zoning changes was the first and most important step in implementing a Master Plan for Acton's future. (The complete Draft Master Plan is currently available for review in the Acton Memorial Library.)

On November 28, 1990, Acton will hold a Special Fall Town Meeting. This Special Town Meeting Warrant will offer a second opportunity to implement important sections of the Master Plan. It will include an article which provides incentives for the inclusion of some affordable housing units when vacant land is developed for residential uses. This article will further complete the new Land Use Plan for Acton.

Acton's Long-Range Planning Council and Planning Board will bring additional actions recommended in the Master Plan to future town meetings. The Master Plan includes a series of actions the town should take to achieve the goals expressed by townspeople and adopted at the April, 1990 Town Meeting. The primary goals of the Master Plan are:

- alleviation of traffic congestion*
- preservation of the remaining elements of Acton's rural and historic character*
- environmental protection*
- control of commercial sprawl and strip development*
- affordable housing*
- improved recreational opportunities*

Actions to achieve these goals may include not only zoning changes, but also other laws and regulations, programs dependent upon the availability of funding, and projects that can be carried out by interested citizen and business groups. However, the zoning changes (the Land Use Plan) lay the foundation for all other actions to follow. The Zoning Bylaw and Zoning Map represent the blueprint for Acton's future development and growth; they are the legal expression of Acton's Land Use Plan.

The Planning Council urges citizens to become informed about the zoning incentives for affordable housing, and to support their adoption at Fall Town Meeting. The article for affordable housing is another important chapter in completing Acton's new Land Use Plan.

The following summary of the Affordable Housing Overlay Districts will help explain the article to be voted at the Town Meeting on November 28. Planning Council members are available to attend community meetings to answer questions, or you may call one of the numbers listed below for more information.

Planning Council
Anne Fanton
Chairperson
263-4989

Planning Department
Roland Bartl
Town Planner
264-9636

AFFORDABLE HOUSING SUMMARY REPORT

Introduction

In the continuing effort to develop a comprehensive Master Plan for managing Acton's future, the demand for affordable housing has taken on a special significance. One of the objectives established by the Master Plan and approved by the voters this past April is to "promote a wide range of economic diversity in housing including low and moderate income housing". We can all agree that those families searching for housing in the \$200,000 and higher category have had little trouble finding a variety of available homes to investigate. However, those who, by default of their income levels, have to limit their search to units priced below the \$150,000 level are quite discouraged by the lack of available units.

The unprecedented growth which took place in the New England region in the 1980's left many persons and families unable to find affordable housing in the area. In 1988 alone, the median selling price of a single family home in Acton was approximately 2-1/3 times the amount that a household earning the median income for Acton could afford.

In an effort to encourage the inclusion of some affordable housing units in future residential construction in Acton, an Affordable Housing Overlay Districts Map has been developed and is attached to this summary report. Before discussing the details of the map, a brief review of its history is presented.

What is Affordable Housing and is there a need for it in Acton?

Affordable Housing in Acton can be defined as those housing units that can be purchased by households with incomes below 120% of the median income for the region. This definition could involve both subsidized and non-subsidized units. A subsidized unit is a housing unit which is kept affordable through the financial assistance of a state or federal program. However, public financing constraints make it impossible to provide for affordable housing through subsidies alone. In those cases where no subsidies are available, the normal mortgage financing standards would apply, and the units would have to be made affordable through another mechanism established through local regulations and which generates subsidies from the private sector.

The U.S. Dept. of Housing and Urban Development defines low income households as those households with incomes of 80% (or less) of the median income for the region. Moderate income households are defined as those whose incomes fall above 80% of the median income, but below 120%.

For a four person household in the Boston metropolitan area, the median income is \$40,500. The low income category, therefore, ranges up to \$32,400, the moderate income category up to \$48,600. The estimated median income in Acton for the same period was approximately \$42,000 per household which yields a low income ceiling of \$33,600 and a moderate income ceiling of \$50,400. These are based on 1988 income study figures.

Compare these income levels with the \$96,125 salary generally required under customary lending practices to purchase the average priced home in Acton for 1988, and it becomes painfully obvious that most households in the low to moderate income bracket will not qualify for a standard mortgage to purchase and maintain a home.

The impact of the high cost of housing is greatest on the young seeking first homes, elderly people on fixed incomes, and single parents. Over time, this affordability gap creates a homogenous community lacking in diversity, which is both exclusionary and inconsistent with the Goals and Objectives of Acton's Master Plan. In addition, the shortage of affordable housing will impact all of us as our town employees are forced to move away or seek employment closer to where they can afford housing, and as new industries choose to locate outside Massachusetts because their employees cannot find housing.

One final note on the need for affordable housing, a recent study published in the June 1990 TRANSREPORT newsletter (a Boston Metropolitan Planning Organization newsletter) stated that there is a direct connection between the lack of housing (affordable and otherwise) in close proximity to suburban job centers and the ever-growing traffic congestion problems in those towns. The fundamental problem arising from this circumstance is that while Boston is well served by highways and various transit modes, suburban job centers (Rt. 495 and 128 belts), are entirely dependant on one or two access routes and the private automobiles of their employees. The report concludes that "... every effort must be made to bring employees closer to their work places. Housing must be given a high priority in the job centers, so that suburban employees have the option to live within a short radius of their job."

Acton can provide a local solution to the affordable housing shortage by helping our young people, elderly, single parents and local employees to live here. We can also assist with regional efforts to address traffic and economic problems created by this jobs-housing imbalance.

How much Affordable Housing does Acton need?

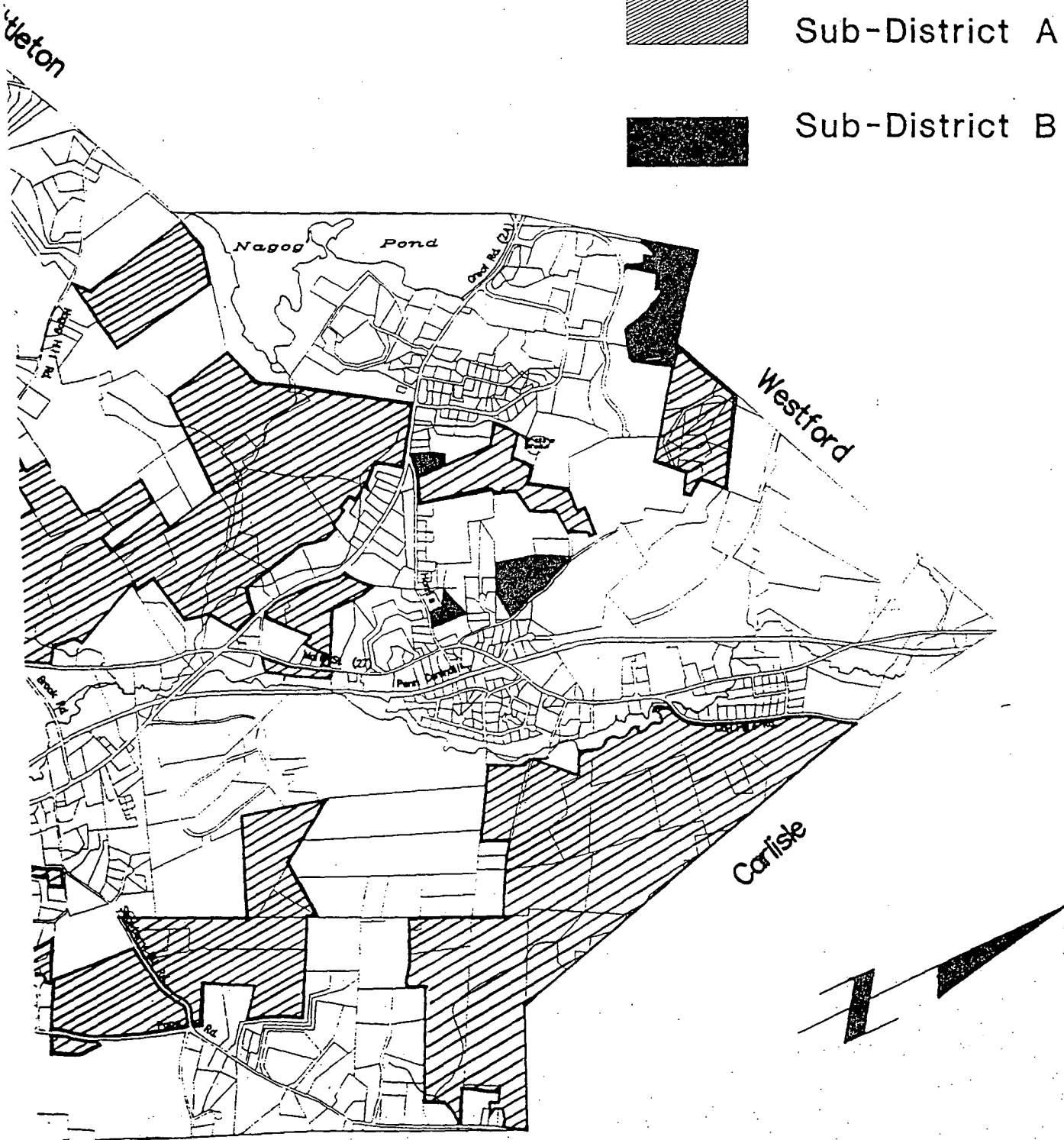
Acton currently has 142 units of long-term, publicly subsidized housing: 39 family units, 12 units of special needs housing and 91 elderly units. These 142 units are approximately 2.13% of the estimated 1988 housing stock of 6,667 units. Projects approved or under construction could raise the percentage of publicly subsidized housing units to 3.25%. However, some of these projects may not be viable at this time since they were conceived prior to the current downturn in the economy. They include the North Acton Woods, Great Hill Village and Barker's Pond projects.

BASE MAP

Proposed Affordable Housing Overlay District Map

Sub-District A

Sub-District B



Boxborough



Concord

In 1969, the State of Massachusetts established as a goal that each community must have 10% of its housing stock affordable for low and moderate income people. The law is known as Chapter 774 (M.G.L. 40B), or the Anti-Snob Zoning Act. This regulation created the Comprehensive Permit process, which provides the State with a vehicle for imposing development projects with affordable housing on communities that do not meet the minimum 10% requirement or who have not adopted a realistic plan to meet this goal. Comprehensive Permits take away a town's ability to determine housing location and densities through zoning.

By creating a workable, local plan that has the potential of reaching 10% or significantly contributing to 10%, the Town will greatly relieve the pressure applied by the Comprehensive Permit process. The 10% figure is intended to be a target level and should not be considered the deciding factor as to the acceptability of proposed future housing projects involving affordable units. The Town will continue to review each project's design and adherence to local regulations in evaluating proposed developments. The difference will be that the town will have established, through the Master Plan and through its local Zoning Bylaw, the best locations for affordable housing and the design standards for its construction. It will be pro-actively working towards the goal of 10% affordability while controlling the process and the selection of sites. This approach reduces the Town's susceptibility to Comprehensive Permits. While such permits are issued or denied by a local Board of Appeals, the final arbiter is the State Housing Appeals Committee. This committee has established a track record of overturning local denials except in a few instances where a community had a realistic plan for the creation of affordable housing in place.

Specifically, what is the Acton Planning Council proposing at this point?

For the Special Town Meeting on November 28, the Planning Council will present the Affordable Housing Overlay Districts as part of the Land Use Plan recommended in the Master Plan. These Overlay Districts simply mean that another development option, which would generate affordable housing, would be available for all areas covered by the districts, in addition to the zoning that already applies to these areas.

The Affordable Housing Overlay Districts Map, which is included in this report, only applies to future construction projects and does not alter existing developments. The map also applies only to residentially zoned areas with few exceptions. Its purpose is to move Acton as close as possible toward a goal of 10% affordable housing, while recognizing specific local needs.

The Affordable Housing Overlay Districts Map was developed by analyzing all land areas within the town. All parcels which are substantially built-out, all conservation lands, Groundwater Protection Zones 1 and 2, wetlands and all parcels with significant wetland and floodplain portions, were eliminated, leaving the undeveloped, residentially zoned areas eligible for future affordable housing development. Since the cost of land is directly tied to the cost of housing, a developer must be able to put more houses on a given amount of land in order to decrease the cost of some of the housing units. Thus, the Affordable Housing Overlay Districts identify areas eligible for higher densities than allowed by existing zoning, on the condition that the added housing units include some that are affordable.

Areas Shaded in Stripes:

On the Affordable Housing Overlay Districts Map, those areas shaded in stripes have been identified for a 25% density bonus if at least 10% of the housing in the development is affordable. In other words, a parcel on which 24 houses could be built under standard zoning, could have 30 houses if 3 of them were affordable. This modest density bonus, if fully implemented, will keep Acton from moving backwards from the percentage of affordable housing already achieved. Design standards and a special permit procedure will ensure that affordable single family units or duplexes will be virtually indistinguishable from the market rate units. The developer could take advantage of the 25% density bonus only if the entire development were arranged in a single family cluster-style pattern preserving significant open space on the site. Thus, the Affordable Housing Overlay Districts Map could provide an additional incentive for a developer to take advantage of the existing Open Space Development bonus option whenever it is available in the R-8/4 or R-10/8 districts, as approved by Acton voters at the Spring, 1990 Town Meeting.

Areas Shaded in Black:

To work towards the goal of 10% affordability, the areas on the map shaded in black have been identified for a higher density bonus equivalent to approximately 5 units per acre or 8,000 sq. ft. lots per house. This higher density allowance assumes that at least 30% of the units in the development are set aside as affordable. Most of these areas have been selected because they are close to the village centers or other commercial areas, or because they have convenient access to public transportation or the regional road network. Some parcels owned by the Town are also included. Again, the density bonus assumes that the development would be clustered with significant open space left undeveloped. For example, under this system, a black parcel on the map that could be developed for approximately 10 housing units under existing zoning, could have up to 50 units under the Affordable Housing Overlay Districts zoning, with at least 15 of those units classified as affordable. Detached or attached units would be permitted. Again, design standards and a special permit procedure will ensure quality of design and construction.

In addition to the areas shown in stripes and black are parcels which are not residentially zoned but may nevertheless be suitable for residential and affordable housing development. They have been identified as appropriate for residential use (including affordable units) should a developer decide to pursue such an option.

In all cases, the Affordable Housing Overlay Districts map does not attempt to consider the individual parcel's suitability for development (i.e. water supply, perkability, etc.), but only that the land is undeveloped, currently zoned for residential use, or that the potential exists for future housing construction. In some cases, certain parcels may not be suitable for development given current technology and dependence on septic systems but may hold tremendous potential should new technologies or facilities for sewage disposal become available in Acton.

It should also be made clear that the density bonuses provided by the Affordable Housing Overlay Districts Map are optional for the developer and only provide an incentive to build

affordable housing in addition to the market rate units. Inclusion of affordable units will not be mandatory.

Will the Affordable Housing Overlay Districts meet the goal of 10% Affordable Housing?

In the event that all land designated for the overlay districts were developed fully utilizing all incentives provided, Acton would have achieved approximately 6.8% in affordable units when fully built-out, or 7.9% if the North Acton Woods, Great Hill Village and Barker's Pond projects are built as approved. A more realistic scenario, assuming that 50% of all incentives would be utilized (some developers will not opt to use the incentives and some land will not be suitable for higher density development) would bring Acton to approximately 4.2%, or 5.3% if the three projects listed above are built. In any case, this will represent a significant increase over existing levels. The town will have to continue seeking state and federal housing subsidies and other means to make housing more affordable. Additional strategies are outlined in the Master Plan.

Is the Affordable Housing Overlay Districts Map compatible with other goals in the Master Plan?

A Master Plan seeks to balance many, sometimes conflicting goals. Acton voters have agreed that they want to protect remaining open space and consolidate new growth as much as possible. The Affordable Housing Overlay Districts Map aims to include a few units of affordable housing in all new residential developments while focusing denser development in consolidated growth areas. Using less land to decrease the cost of housing meets both our housing and our environmental goals.

Because Acton adopted low density residential zoning on many of the undeveloped parcels outside village and commercial areas, at the Spring, 1990 Town Meeting, we are able to provide density bonuses to meet our housing and open space goals without dramatically increasing projected growth figures. Today, Acton has 6667 housing units. When fully built-out, Acton is estimated to have 10,831 units. The proposed zoning to create affordable housing will increase Residential Build-Out by 683 units at 4.2% affordability, or 1200 units at 6.8% affordability.

What should the Acton (voters) do?

Voters need to come to the Fall Town Meeting and vote in support of the Affordable Housing Overlay Districts articles. Acton, as does every other community, has a moral and legal obligation to provide adequate and affordable housing for low and moderate income families, many of whom are our children, teachers, elderly, police officers, firemen, other town employees, and the employees of local businesses that serve us.

Please call the numbers inside the front cover if you have questions. Also, watch the local paper for an announcement of the Planning Board's public hearing for the Special Town Meeting Warrant articles.

THE
SERIAL



MANCHESTER-BY-THE-SEA

BOARD OF SELECTMEN · TOWN HALL
Manchester-by-the-Sea, Massachusetts 01944-1399
Telephone (508) 526-1712 FAX (508) 526-1849

November 1, 1990

Dear Prospective Developer:

The Town of Manchester is seeking proposals to develop a nine-acre parcel of Town-owned land for affordable housing. We are interested in developing home-ownership opportunities with a special emphasis on opportunities for Manchester residents. The Town will consider donation of the site if a proposal is particularly attractive.

Enclosed is a developer's kit which includes a description of the site, how we will evaluate proposals, what we ask you to submit, and an application form. The deadline for proposals is December 18, 1990 at 7:00 P.M. at which time they will be opened in the Selectmen's Meeting Room in Town Hall.

Please call Paul Bockelman at (508) 526-1712 if you would like to discuss your application or arrange a site visit. We look forward to talking to you in more detail.

Sincerely,

Sue Noble

Suzanne E. Noble, Chairman
Manchester Housing Partnership

Enclosure

SEN/pb

Ms Mc Manus -

*I HOPE THIS HELPS.
CALL ME IF YOU HAVE
ANY QUESTIONS.*

Paul

12

REQUEST FOR PROPOSALS
TO DEVELOP
THE STANDPIPE LOT
PINE STREET
MANCHESTER-BY-THE-SEA, MASSACHUSETTS

November 1, 1990

Manchester-by-the-Sea
Housing Partnership

TABLE OF CONTENTS

I.	BACKGROUND	1
	A. Goal of Project	1
	B. History of the Site	1
	C. Municipal Profile	1
	D. The Housing Partnership	1
II.	SITE ANALYSIS	2
	A. Site Characteristics	2
	B. Permits Required	3
III.	REQUEST FOR PROPOSALS	4
	A. Basic Threshold Requirements	4
	B. Comparative Evaluation Criteria	5
	C. Methodology for Selection	7
	D. Time Line	8
	E. Submission Requirements	8
IV.	APPENDICES	
	Appendix A - "Topographic Plan" (provided on request)	
	Appendix B - "Standards for Developers" application form	

I. BACKGROUND

A. Goal of Project: The Town of Manchester-by-the-Sea seeks proposals to develop a 9-acre parcel of Town-owned land for development as affordable housing. The goal of the project is to create attractive housing that provides affordable homes with a density that doesn't overwhelm the neighborhood.

B. History of the Site: In the Fall of 1988, the Housing Partnership surveyed all Town-owned land to inventory sites suitable for affordable housing. A 9± acre parcel known as the Standpipe Lot was identified as appropriate for affordable housing and the 1989 Annual Town Meeting unanimously approved transfer of the parcel to the Board of Selectmen for development as affordable housing.

The Housing Partnership and Board of Selectmen received approval at the 1990 Annual Town Meeting to transfer the parcel to a designated developer with the approval of several Town boards. The Partnership is now searching for a developer to build housing on this site.

C. Municipal Profile: Manchester-by-the-Sea is a residential town of 5,686 people on the North Shore. It is intersected by Route 128 and is 32 miles from Boston. Manchester-by-the-Sea was settled by Europeans in the early 1600s as a fishing and seafaring community. In the mid-1800s, the Town became a summer resort for the wealthy while maintaining a furniture manufacturing industry. Offering a full range of municipal services, Manchester-by-the-Sea is a highly desirable community with a wide variety of homes and a superb beach.

D. The Housing Partnership: The Manchester-by-the-Sea Housing Partnership was established in 1987 under the guidelines of the Massachusetts Housing Partnership to provide a link between the Town, the State, the development community, and residents of the Town. The Partnership includes business, civic, and religious leaders, housing advocates and other dedicated citizens who work with and facilitate housing proposals for various Town boards. Our goals are to:

1. increase the Town's supply of affordable housing;
2. strengthen communication and cooperation between public and private sectors involved with housing and land development; and,
3. broaden the base of support for affordable housing by increasing the awareness of the need and opportunity for additional affordable housing within the Town.

Manchester-by-the-Sea is a small town. We value our history, open space, wetlands, and social diversity. We are advocates of affordable housing and are sensitive to the needs of our community in light of increasing housing costs. It is our intent to support development of affordable housing that meets our needs and reflects the character of the Town.

II. SITE ANALYSIS

A. Site Characteristics

Location: East side of Pine Street (shown on map as Pipe Line Road) adjacent to and north of Pleasant Grove Cemetery, near the intersection of Pleasant Street

Size: 9+ acres; portion of parcel (Assessors Map 58, Lot 56) plus smaller portions of adjacent Town-owned parcels (Assessors Map 58, Lots 55 and 57). Final parcel size to be determined.

Value: \$391,902 (estimated land value for nine acres based on Assessors records).

Frontage: Approximately 600 feet on Pine Street; 175 feet on Old Essex Road.

Zoning: Single Residence District "B" (Zoning By-Law and Map available from the Town Clerk).

Access: The site abuts Pine Street, Old Essex Road, and Andrews Avenue (a private road). The Partnership strongly urges developers to plan on access from Pine Street. Extensive road work (including blasting) will be necessary.

Utilities: Water - access to 16 inch Town main on Pine Street;
Sewer - access to 8 inch Town sewer on Pine Street;
Electricity - Mass. Electric 34 kV line on Pine St.;
Gas - Essex County Gas main on Pine Street (4 inch line at 138 Pine Street).

Storm Water: Run-off and detention should be handled on site.

Wetlands: The site includes two seasonal ponds and a seasonal stream. No formal assessment under the Wetlands Protection Act (MGL 131, s.40) has been made.

Wildlife: The site is not listed on the Estimated Habitat map for the Town of Manchester-by-the-Sea. No work has yet been done to determine if wildlife habitat protectable under the Wetlands Protection Act exists on the site.

Flood Plain: The site is not identified on the FEMA Flood Insurance Rate maps but no work has been done to determine the extent of flooding and protectability under the Wetlands Protection Act.

Soils: USGS soils maps indicate Chatfield (Rx) and Hollis (CrD) rock outcrop soil with 15-35 percent slopes and a shallow depth to bedrock. No soil borings have been done.

Topography: Heavy ledge, steep slopes; plateau area designated as buildable of approximately 2.2 acres. Access road needs to be developed.

Neighborhood: To the east the parcel fronts on Old Essex Road, a residential neighborhood of modest single-family homes, and Andrews Avenue, a private road with four single-family homes. To the south is the Pleasant Grove Cemetery and Manchester Public Works yard. To the west, across Pine Street is a neighborhood of modest single family homes. To the north is the Town's Standpipe (water tower) and an expensive custom-built single-family home.

Site Control: The site is currently owned by the Town and managed by the Board of Selectmen.

B. Permits Required

Zoning: Comprehensive Permit from Zoning Board of Appeals

Conservation: Request for Determination and possibly an Order of Conditions from Conservation Commission under State law and local by-law for any work within 100 feet of a wetland resource area

Utilities: Water connection permit
Sewer extension permit (State)

Selectmen: Curb cut permit
Road opening permit

Building: Building permit

Fire Dept.: Blasting permit

III. REQUEST FOR PROPOSALS

A. Basic Threshold Requirements:

[The following items should be contained in the proposal to meet the basic threshold requirement for further consideration. The Town may request development teams to submit additional or clarifying material. The Town must reject any proposal which does not meet each of the basic threshold requirements.]

Affordability

- o A minimum of 30% of the units in the development should be affordable as defined by the Massachusetts Housing Partnership's Homeownership Opportunity Program (HOP) or other equivalent program.
- o A minimum of 5% of the units in the development are to be made available for sale to the Manchester Housing Authority; the Housing Authority will purchase these units if funds are available.
- o The housing unit pricing must be mixed so as to be affordable to families with incomes up to \$32,900 (or current HOP income guidelines).
- o Affordable units shall be affordable in perpetuity.

Unit Mix

- o All affordable units shall have 2 or 3 bedrooms.

Marketing and Management

- o Preference in marketing shall be given to families and households that live and work in Manchester and their families.
- o Periodically, the developer will be required to submit to the Partnership evidence of compliance with the marketing guidelines.

Development Team

- o Once designated, the development team must comply with MGL Ch. 7, Sec. 40J which requires a disclosure of beneficial interests to be filed with the Deputy Commissioner of the Division of Capital Planning and Operations.

B. Comparative Evaluation Criteria:

[The following items will be evaluated according to the Methodology for Selection. Proposals will be rated as "Highly Advantageous", "Advantageous", "Not Advantageous", or "Unacceptable".]

Land

- o Land will be transferred to the developer with restrictions to ensure completion of the project. Proposals will be compared based on the price offered for the parcel..

Affordability

- o A large number of affordable units is encouraged.

Unit Mix

- o We encourage construction of some units that are barrier-free and accessible by wheelchair.

Design Criteria

- o All units should be appropriate in size and provide facilities adequate to meet the needs of the households expected to occupy them. MHFA standards will give reasonable guidance to designers.
- o Buildings should be sited in harmony with existing landform, vegetation, and natural features.
- o The development should be complimentary to the existing neighborhood.
- o The overall quality of both subsidized and market rate units should be similar and not be distinguishable from the exterior.
- o Affordable units should be integrated and dispersed throughout the development.

Size and Density

- o As a general rule, density should not exceed six units per acre. For this nine-acre parcel, a cluster development will probably be most desirable.

Environmental Concerns

- o Developments should protect and be sensitive to wetlands, conservation areas, ground water, and open space. The Conservation Commission will be consulted on final proposals.

- o Developments should protect significant features, including scenic vistas, historic landmarks, and unusual geologic formations.
- o Developers should consider the impact of traffic created by the development.

Budgeting, Marketing and Management

- o Any ownership association should include proportional representation of residents from subsidized and market units.
- o Proposed price levels of market units should correspond to going market prices in Manchester-by-the-Sea for comparable units.
- o Project development costs should be reasonable and budget line items for key elements should be adequate. The return to developer should be neither excessive nor inadequate (i.e. a return of 15%-25% is considered reasonable and adequate).
- o Projected construction costs per unit and per square foot should demonstrate cost effectiveness and good quality construction.
- o Project construction and occupancy schedules should be reasonable and realistic.

Development Team

- o Composition of the development team should include experience members, including a lead developer, a financially responsible and experienced building contractor, and an architect and/or site-planner.
- o The development team should have a history of completing projects comparable in size, construction and ownership to this project.
- o The development team should have experience in mixed-income housing developments.
- o The lead developer should have the ability to complete a project within the budget and time schedule.
- o The lead developer should demonstrate the financial capacity to complete the project in the event of costs incurred or delays resulting from unforeseen circumstances. The developer should show ample cash on hand to complete preconstruction costs to be incurred.

- o The lead developer should be able to demonstrate established relationships with private lending institutions through which she or he has previously obtained loan commitments of comparable or greater magnitude than expected in this project.
- o Creativity in design and/or financing is encouraged.

C. Methodology for Selection

Minimum Criteria

- o The above cited items must be contained in the proposal to meet the basic threshold requirement for further consideration. The Town may request development teams to submit additional or clarifying material. The Town must reject any proposal which does not meet one or more of the basic threshold requirements.

Comparative Criteria

- o Once a development team meets the minimum criteria, proposals will be rated as "Highly Advantageous", "Advantageous", "Not Advantageous", or "Unacceptable" in each of the categories. These comparative ratings will be evaluated and the best overall proposal will be designated to develop the site, subject to approval by the various boards, etc.

D. Time Line

November 1 Request for Proposals available

December 18 Deadline for submission of proposals

December 18- Partnership reviews qualifications and proposals,
January 10 requests additional information as necessary

January 10 - Partnership chooses finalists and negotiates site
January 24 development proposal; Partnership makes
presentation and recommendation to the Board of
Selectmen

February - Apply for and obtain permits from Zoning Board of
April Appeals, Conservation Commission, Board of
Selectmen, etc.

E. Submission Requirements

Submission requirements include 3 (three) copies of each of the following:

- Completed "Standards for Developers" (attached) which includes the development team, plans for the site and buildings, financial pro forma, and evidence of the development team's experience;
- Site plans and schematics (floor plans and elevations) of the proposal to show the character of the development and basic unit configuration.

ALL INFORMATION SUBMITTED IS OPEN AND AVAILABLE TO THE PUBLIC.

Completed applications are due **Thursday, December 18, 1990 at 7:00 P.M.** The will be opened at that time in the Selectmen's Meeting Room in Town Hall. Deliver applications to:

Housing Partnership
Town Hall; Room 3
Manchester-by-the-Sea, Massachusetts 01944-1399

For additional information or to arrange a site visit contact:

Paul Bockelman
Executive Secretary
(508) 526-1712

The Town reserves the right to reject any and all proposals
and/or qualifications.

EXECUTIVE OFFICE OF COMMUNITIES & DEVELOPMENT



William F. Weld, Governor
A. Paul Cellucci, Lt. Governor
Mary L. Padula, Secretary

LOCAL INITIATIVE PROGRAM

Guidelines for Communities

January 1992

LOCAL INITIATIVE PROGRAM GUIDELINES

Table of Contents

	<u>Page</u>
(1) <u>Summary</u>	1
(2) <u>Background</u>	1
(3) <u>Local Initiative Units</u>	2
• General Requirements	
• Local Action Requirement	
• Use Restrictions	
-- Form	
-- Lock-in Period	
• Application Requirements	
(4) <u>Comprehensive Permit Projects</u>	5
• General Requirements	
• Regulatory Agreements	
-- Form	
-- Lock-in Period	
-- Use Restrictions	
-- Allowable Profit	
• Local Support	
• Application Requirements	
(5) <u>Qualifying Incomes, Prices & Rents</u>	8
• General Requirements	
• Averaging	

(6) <u>Technical Assistance</u>	10
(7) <u>Marketing and Buyer/Tenant Selection</u>	10
• General	
• Affirmative Marketing Plans	
• Local Preference	
• Buyer/Tenant Selection	
(8) <u>Other Program Components</u>	13
• Minimum Design and Construction Standards	
• Consistency With Critical Housing Needs	
-- General	
-- Contingent Approvals	
• Fees	
• Monitoring & Oversight	
• Subsidized Housing Inventory	
• Qualified Housing Types	

APPENDICES

- A. Regulations (760 CMR 45.00)
- B. Communities in Boston Primary Metropolitan Statistical Area

Summary

The Local Initiative Program is a new state housing program that was established to give cities and towns significantly more flexibility in their efforts to provide low and moderate income housing. The program provides technical and other non-financial assistance to housing that is developed through the initiative of local government to serve households below 80 percent of the median household income.

Two types of housing are supported by the program: Local Initiative Units, which are developed through a city or town's conventional zoning process, and Comprehensive Permit Projects, which are developed through the comprehensive permit process according to M.G.L. Chapter 40B. All low and moderate income units developed through the Local Initiative Program are "counted" toward a community's stock of low and moderate income housing for purposes of Chapter 40B.

The Local Initiative Program responds to a mandate from a special legislative commission and is authorized by state regulation (760 CMR 45.00). It is administered by the Executive Office of Communities and Development (EOCD). The purpose of these guidelines is to provide a basis for the operation of the Local Initiative Program and to provide guidance to local public officials, housing developers, and other interested parties.

Background

M.G.L. Chapter 40B, sections 20-23 (also known as Chapter 774 of the Acts of 1969 or as the Anti-Snob Zoning Act) created a local process for granting "comprehensive permits" for the construction of subsidized low or moderate income housing. These permits, which may supercede all local requirements and regulations including zoning, are granted on a case-by-case basis by local zoning boards of appeals following a public hearing. In cities and towns where less than ten percent of the housing stock is low or moderate income housing, the denial of a comprehensive permit application or the imposition of conditions that render a proposed development infeasible may generally be appealed to the state Housing Appeals Committee.

Chapter 40B defines low and moderate income housing as "any housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing". Local Boards of Appeal and the Housing Appeals Committee have previously construed this definition to apply to financial subsidies only. As a result, cities and towns have had little incentive to undertake housing initiatives which do not require direct state or federal financial assistance but which in all significant respects are within the intent of the statute.

A special legislative commission recommended in 1989 that state programs providing technical assistance be construed as a subsidy within the meaning of Chapter 40B if they are serving the same households as conventional housing subsidy programs and if they are approved by local officials and by a state agency. The commission specifically recommended that EOCD use its existing statutory authority to create such a program. EOCD responded by designing the Local Initiative Program and by promulgating authorizing regulations for the program in January 1990. The purpose of these guidelines is to implement the program and thus to give local housing initiatives formal standing within the comprehensive permit process.

Unlike conventional housing subsidy programs, in which a state or federal agency must approve every aspect of financing, design and construction, the Local Initiative Program allows most of these decisions to be made by local public officials. Only the most basic aspects of the program -- the incomes of persons served, minimum quality of housing units provided, fair marketing, and level of profit -- are subject to state review. It is entirely up to local officials, for example, to determine the design and site plan that is most appropriate for their community. The "subsidy" provided by the Commonwealth in the Local Initiative Program consists of technical assistance to help cities and towns use the program effectively and oversight review to ensure that housing produced through the program is fully consistent with M.G.L. Chapter 40B.

The Local Initiative Program is intended to complement conventional state housing subsidy programs and not to replace them. Local initiative units or projects may not be feasible without municipal or private sector resources such as donated sites, density concessions, and/or below-market financing.

Local Initiative Units

General Requirements

The purpose of offering state approval of Local Initiative Units, as part of the Local Initiative Program, is to give communities a greater incentive to create low and moderate income housing, without direct state or federal financial subsidies, using their own zoning and regulatory powers. Local Initiative Units are subject to the following general requirements:

- (1) the units must be serving households at or below 80 percent of median household income (see "Qualifying Incomes, Prices and Rents");
- (2) the units must be subject to Use Restrictions of a substantial duration (see "Use Restrictions") to ensure that the units remain available exclusively to persons with qualifying incomes. These restrictions must have resulted from city or town action or approval (see "Local Action Requirement"); and,

- (3) the units must be sold or rented on a fair and open basis. The owners of the units must execute an equal housing opportunity agreement with EOCD for existing units or adopt an affirmative fair marketing plan for new units (see "Marketing").

Local Action Requirement

Local Initiative Units must result from city or town action or approval and must be a condition of new construction, building conversion, adaptive re-use, substantial rehabilitation, or other local regulatory or inclusionary zoning provisions. In addition, the units may not be developed with a comprehensive permit (for such projects see "Comprehensive Permit Projects").

The following will generally be sufficient to satisfy this requirement provided that the municipal actions or approvals are conditioned, as a matter of record, upon the provision of low or moderate income housing:

- (1) Zoning-based approval including rezoning, special permits, density bonuses, site plan review or subdivision approval.
- (2) Financial assistance from funds raised, appropriated or administered by the community.
- (3) Provision of land or buildings that are owned or acquired by the community and conveyed at a below-market cost.

Even if housing units happen to be occupied by low or moderate income persons, they may not qualify as Local Initiative Units unless there are income restrictions that resulted directly from municipal action. Local Initiative Units must have been created or converted to affordable housing for the explicit purpose of serving low or moderate income persons.

Use Restrictions

A use restriction is a legal document which ensures that low or moderate income housing units remain affordable to qualified households during a specified "lock-in" period. In the Local Initiative Program, this lock-in must be achieved for the longest period feasible. The primary purpose of these restrictions is as follows:

- Rental. For rental units, the use restriction ensures that the rent for low and moderate income units will only increase in proportion to growth in median household income (for projects utilizing state or federal rental assistance, the units may be restricted instead to "fair market rents" established for those programs).
- Ownership. For owner-occupied units, the use restriction ensures that units may only be resold to income-qualified buyers at affordable prices while providing a reasonable rate of appreciation to the seller. One acceptable form is the deed restriction used in conjunction with the state Homeownership Opportunity Program.

Form. Use restrictions for Local Initiative Units must: (1) run with the land (i.e., be recordable at Registry of Deeds as a condition of deed, mortgage, or zoning); (2) be self-enforcing (i.e., have a legal mechanism for compliance that occurs automatically without state or local intervention); and, (3) include a regular reporting process to the community and a process for verification of compliance. For any new development initiated after February 1, 1990, communities are strongly encouraged to use model legal documents already approved by EOCD. Other use restrictions may be approved provided they are consistent with the Local Initiative Program and with the intent of Chapter 40B. Where such model documents exist, are applicable to the proposed project, and are not used, the cost of EOCD's legal review of alternative documents must be borne by the developer.

Lock-in Period. A community must show in its application for approval of Local Initiative Units that the lock-in period is as long as practicable. This may be accomplished by showing that the lock-in period is reasonable in relation to the consideration (e.g., a density bonus) provided by the community, that attempts to achieve a longer period were unsuccessful, or that a longer period would have been infeasible. Local Initiative Units will be included in the Subsidized Housing Inventory for as long as the lock-in period continues and use restrictions remain in effect (see "Other Program Components - Subsidized Housing Inventory").

In no event will units be approved if the initial lock-in period is less than five years. Many communities will feel that a longer lock-in period is appropriate in view of the public action(s) they have taken.

Application Requirements

An application for approval of Local Initiative Units must be submitted in the form provided by EOCD. It must also include documentation of the local actions that created the affordable units (see "Local Action Requirement"), a copy of the use restriction, an executed equal opportunity agreement for existing units, and an affirmative marketing plan for new units developed after February 1, 1990 (see "Marketing and Buyer/Tenant Selection").

Communities may request approval of units created prior to the effective date of the Local Initiative Program regulations provided that the units meet the requirements of the Program and that use restrictions remain in effect. Communities are strongly encouraged to obtain EOCD approval of new units before zoning or other local approvals are granted. EOCD expects to process routine approvals or pre-approvals within 60 days. The review period may be significantly shorter for units relying exclusively on model legal documents previously approved by EOCD.

Comprehensive Permit Projects

General Requirements

The purpose of allowing Comprehensive Permit Projects within the Local Initiative Program is to enable communities to develop low and moderate income housing -- without direct state or federal financial subsidies -- through the flexible zoning and local approval process provided by Chapter 40B. The program ensures that a substantial percentage of units will serve low or moderate income households, that the units have long-term restrictions, that units are openly and fairly marketed, and that developers realize only a reasonable return on their investment.

Comprehensive Permit Projects must meet the following minimum requirements:

- (1) the project must have the written support of the chief elected official and local housing partnership (see "Local Support").
- (2) at least 25 percent of the units in the proposed development must be affordable to households at or below 80 percent of regional median household income (see "Qualifying Incomes, Prices and Rents");
- (3) the developer must agree to a long term lock-in period for the affordable units that is enforced by a regulatory agreement with EOCD (see "Regulatory Agreements"); and,
- (4) the developer and/or owners of the project must agree to develop and implement an affirmative fair marketing plan in a form approved by or required by EOCD.

Regulatory Agreements

The purpose of a regulatory agreement is to provide a legal assurance that in consideration of the value of a comprehensive permit, a developer will: (1) construct and maintain the units in accordance with the requirements of the Local Initiative Program, and (2) be limited to a reasonable profit. The execution of a regulatory agreement by a private developer makes the developer a "limited dividend organization" for purposes of M.G.L. Chapter 40B, Section 20.

Form. A regulatory agreement must normally be executed with EOCD in a form provided by the agency (one form for homeownership projects and one for rental). Except for changes in these documents made by EOCD for the Local Initiative Program as a whole, these legal documents may not be substantially modified for specific projects.

Lock-in Period. The lock-in period for Comprehensive Permit Projects must be for the longest period of time allowed by law. In homeownership projects, this will usually be accomplished through deed restrictions that are renewed each time a unit is resold. For rental projects, the original developer or owner will usually maintain the low and moderate income units for a period of time and may convey them at a later date, with continuing use restrictions, to a non-profit organization or tenant cooperative.

In exceptional circumstances, a community may submit a project with a proposed lock-in period that is not the longest period allowed by law. To be approved by EOCD, such projects require a written waiver from the Secretary of Communities and Development pursuant to section 45.09 of the program regulations (see Appendix). In requesting such approval, a community must demonstrate that a longer lock-in period is infeasible or that the proposed lock-in period is necessary to advance a legitimate public purpose. It must also show that provisions are in place to ensure that no low or moderate income persons will be displaced upon the expiration of the lock-in period. In no event will the Secretary approve a lock-in period shorter than 15 years.

Use Restrictions. Except for the lock-in period, the same use restrictions are generally acceptable for Local Initiative Units and Comprehensive Permit Projects (see "Local Initiative Units - Use Restrictions"). For most rental and cooperative housing projects, a regulatory agreement between the developers and owners of a project and EOCD will also incorporate all necessary use restrictions. In homeownership projects, this agreement will not by itself be sufficient since the units will be sold by the developer upon completion of the project. In this case, the regulatory agreement will also require the developer to attach use restrictions to each low or moderate income unit in the form of a deed restriction (and in some cases through restrictions in a mortgage agreement).

Allowable Profit. Since a comprehensive permit has substantial economic value, a major requirement of Chapter 40B is that comprehensive permits may only be granted to public agencies, non-profit organizations, or private developers who agree to receive no more than a reasonable profit. For rental and cooperative housing projects, the regulatory agreement will limit distribution of return to all partners and legal or beneficial owners to no more than 10 percent of equity per year during the lock-in period. This is the same method of profit limitation that is applied to projects in other state rental housing programs.

For homeownership projects, profit to all partners and owners will be limited to no more than 20 percent of total development costs. This restriction will be enforced by a certified cost accounting by the developers accountant(s) at the completion of the project. Any excess profit must be recaptured in the form of an escrow account to write down the cost of the low or moderate income units upon resale or by payment of the excess amount to the community or to EOCD for the purpose of producing additional low or moderate income housing.

Local Support

All Comprehensive Permit Projects undertaken through the Local Initiative Program must, as part of an application to EOCD, have the written endorsement of the chief elected official (typically the mayor of a city or the board of selectmen in a town) and, if one exists, the endorsement of a duly-recognized local housing partnership. EOCD expects local public officials to act in good faith and expects local support for housing proposed under the Local Initiative Program not to be unreasonably withheld.

No further evidence of local support is required once a Comprehensive Permit Project has been approved by EOCD. The only exception is for projects which undergo substantial changes during the permitting process that render them inconsistent with the conditions of prior state and local approval.

Application Requirements

An application for approval of a Comprehensive Permit Project must be submitted in a form provided by or required by EOCD. Applications must also be accompanied by the following: (1) documentation of the developer's interest in the site (i.e., a deed, option, or purchase and sale agreement); (2) a site plan showing the footprint of all proposed buildings, roads, parking and other improvements; (3) sample floor plans and elevations for each building and unit type; (4) a tabulation of the proposed units by size, type, number of bedrooms, location within the project, and proposed rent or sales price; (5) a financial pro forma; (6) a brief description of existing site conditions, permits that will be required, and proposed efforts to mitigate any environmental impacts.

After an application is filed, a site visit will take place and the project will be evaluated by EOCD. The purpose of this review is to determine whether the project is consistent with the basic requirements of the Local Initiative Program and to identify, for the community's benefit, any unusual problems with the site or proposed development.

Comprehensive Permit Projects approved by EOCD will have legal standing to apply to a zoning board of appeals for a comprehensive permit (the Local Initiative Program regulations do not by themselves grant any legal standing to projects without EOCD approval). EOCD expects to process routine approvals within 60 days.

Qualifying Incomes, Prices & Rents

General Requirements

The purpose of the Local Initiative Program is to help cities and towns provide housing for low and moderate income persons with incomes below 80 percent of the regional median household income. This is accomplished by establishing rents and purchase prices that enable persons with qualifying incomes to obtain housing without spending an excessive percentage of their income on housing costs. The method of determining the maximum allowable rents and purchase prices is similar to other state rental housing and homeownership programs.

To qualify for the program, low and moderate income units must fall within the following maximum limits on selling prices and monthly rents shown on the following page:

Maximum Incomes, Selling Prices and Monthly Rents

	80 Percent of Median Household Income (1)	Maximum Selling Price (2) ----- Detached/ Fee Simple	Condo	Maximum Monthly Rent (3)
<u>Boston Primary Metropolitan Statistical Area (4)</u>	\$38,000	\$89,000	\$78,500	\$835
<u>All Other Communities</u>	\$33,000	\$75,000	\$64,250	\$745

Maximum selling prices may be increased by \$5,500 or maximum rents increased by \$50/month for units with 3 or more bedrooms that will be marketed with a preference for households of 5 or more persons.

Notes: (1) Median incomes are an average of January 1990 HUD estimates for Metropolitan Statistical Areas (MSAs) weighted by population. (2) Maximum prices were determined by reducing the maximum income by 10 percent (to create a marketing "window" so that buyers within a range of incomes may qualify for a mortgage to purchase the unit) and then by determining maximum buying power with conventional financing. (3) Maximum rents must include heat and all utilities. (4) Communities within the Boston PMSA are listed in the Appendix.

Averaging

The maximum allowable rents or purchase prices may be averaged, or "skewed", so that instead of providing housing for a narrow group of households close to 80 percent of the median income, a range of households are served with an average income of 80 percent or less of the regional median. The limitation on skewing is simply that the highest price or highest rent unit may not require an income above 110 percent of the regional median for a household of four.

Technical Assistance

Technical assistance is a critical component of the Local Initiative Program because it is the subsidy provided by the state for purposes of M.G.L. Chapter 40B. A site visit and project review meeting will be scheduled by EOCD staff immediately upon acceptance of an application for review under the Local Initiative Program. At a community's request, this may take place instead prior to the submission of a formal application. This review must include EOCD staff, the chief elected official (or designee), the developer, and a representative of the local housing partnership (if applicable). Other local officials may also be included at the discretion of the community.

The purposes of the site visit and meeting are: (1) to identify any problems with site, proposed project or existing units which appear to be inconsistent with the guidelines of the Local Initiative Program; (2) to assist the community in meeting the requirements of the Program; and, (3) to generally provide feedback to the community on the proposed units or projects and to identify key issues for the community to consider as part of its review and approval process. These issues may include, but are not limited to, condominium budgets, environmental issues, land valuation, marketing, financing, development scheduling, developer qualifications, construction warranties, and handicapped access.

Marketing and Buyer/Tenant Selection

General

All Comprehensive Permit Projects, and all Local Initiative Units which are developed after February 1, 1990, must have a marketing plan approved by EOCD. The three basic elements of the plan are affirmative marketing to minority households, local preference (if any), and the buyer/tenant selection process. Each aspect of the marketing plan is described below.

Affirmative Marketing Plans

The goal for each marketing plan is to achieve a percentage of minority ownership or tenancy in low or moderate income units equal to the greater of: (1) the percentage of income-eligible minority households in the community; or, (2) the percentage of income-eligible minority households in the applicable regional planning area. The goals will be established using the 1980 Federal Census until new census data becomes available. Each Comprehensive Permit Project and all applicable Local Initiative Units must have an EOCD-approved affirmative marketing plan which outlines the steps that will be taken, including advertising and outreach to minority organizations, to achieve the minority participation goal. The plan must be ongoing and address not only initial sales and rent-up but also resales and rental turnover. In areas where an agency for marketing low and moderate income housing units already exists (e.g., the Cape Cod Clearinghouse or Boston HomeBase Program), participation in the clearinghouse will be a required component of the marketing plan.

Local Preference

The marketing plan may also include local preference for up to 70 percent of the low and moderate income units. Categories of local preference may be freely determined by the community provided they are reasonable and do not have a discriminatory or unlawful effect. A community may also use its local preference to address critical local housing needs. This would, for example, allow communities to jointly undertake a low or moderate income housing initiative with local employers or institutions (e.g. a large industrial company, medical center or public university). In exchange for private resources devoted to a project, such as the donation of sites, the participating employer or institution would gain dedicated housing units while contributing to meeting the housing needs of the community and region as a whole.

Buyer/Tenant Selection

Typically, the demand for low and moderate income housing units developed through the Local Initiative Program will exceed supply. In these circumstances, prospective buyers or tenants must be selected by a fair and equitable process such as a lottery. Typically, a lottery process is established jointly and then managed either by the community or by the developer. Unless the community chooses to assume financial responsibility for the lottery process, the cost must be assumed by the developer.

Before holding a lottery, the community or the developer may either pre-screen applicants to determine that they are eligible to purchase or rent a unit or may establish criteria by which potential applicants "self-screen" before they apply. In doing so, the following general rules shall apply:

- Without exception, all applicants must be within the income limit of the Local Initiative Program and within the income limits designated for the particular unit(s) they are seeking to rent or purchase.
- The income limit established for each unit (see "Qualifying Incomes, Prices and Rents") assumes a household size of four persons or less. The limit may be adjusted upward, using the HUD data and adjustment factors in the Appendix, to accommodate an applicant household of five persons or more. {Note: this adjustment does not affect the maximum price or monthly rent of a unit, but simply the maximum income of persons who may apply to purchase or rent that unit.}
- In determining the household income of an applicant, the "passbook value" of any assets (currently 5.5% of the asset's value per year) shall be included as income. An applicant may not own any residential property unless, in the case of a unit for the elderly, it will be sold to create income to provide a down payment and/or to pay monthly rent or mortgage costs.
- For homeownership units, it is also necessary to determine whether applicants have sufficient resources to meet down payment and closing costs and can support the carrying costs required for a specific unit. For family units, communities are generally encouraged to limit applicants to first-time home buyers (i.e., have never owned a home or have not owned a home as a principal residence for three prior years).

The pre-screening process, if any, may be carried out by the developer, a public agency, or a contracted third party that is approved as a "certifying agent" by EOCD.

Exceptions to the lottery requirement may be allowed where, by nature of the project, occupancy is already restricted to persons selected through an open affirmative marketing process. One such example would be a rental project in which low or moderate income units are being marketed exclusively to persons with Chapter 707 rental assistance certificates.

Other Program Components

Minimum Design and Construction Standards

All low and moderate income housing units developed through the Local Initiative Program must be indistinguishable from market-rate units from the exterior and must contain complete living facilities including a stove, kitchen cabinets, plumbing fixtures, and washer/dryer hookup. All low and moderate income units for families must have two or more bedrooms. In addition, all low and moderate income units must meet the following minimum square footage requirements:

- 1 bedroom - 700 square feet
- 2 bedroom - 900 square feet
- 3 bedroom - 1200 square feet
- 4 bedroom - 1400 square feet

Housing developed through the program must comply in full with the State Building Code, with other state building and environmental regulations, and (to the degree not exempted by a comprehensive permit) with all applicable local codes, ordinances and bylaws.

Consistency With Critical Housing Needs

General. The purpose of all state housing development programs, including the Local Initiative Program, is to address state, regional and local housing needs. The most critical needs in the Commonwealth are for family and special needs housing in general and low-income family housing in particular. EOCD will withhold approval from units or projects proposed in conjunction with the Local Initiative Program that, in context with other housing efforts by the community, are unresponsive to needs for family housing.

Contingent Approvals. In communities that have previously developed low-income family housing, but have not done so in the previous five years, EOCD will make approval of elderly or moderate income units/projects through the Local Initiative Program contingent upon a written commitment by the community to develop additional low-income family housing. In communities that have never previously developed low-income family housing, EOCD will make approval of elderly or moderate income units/projects through the Local Initiative Program contingent upon the concurrent development of low-income family housing.

Fees

Fees will be charged for Comprehensive Permit Projects and for Local Initiative Units developed after the effective date of the regulations to cover the cost of EOCD's review. The application fee for Comprehensive Permit Projects is \$1,500 per project and an additional \$20 per unit. The application fee for newly-developed Local Initiative Units is \$50 per unit. These fees will be reduced by one-half for non-profit developers and waived for housing developed by public agencies. Checks must be made payable to the Executive Office of Communities and Development. Fees will be refunded in full if an application is not accepted or is rejected without the need for substantial review. One-half of the fee will be refunded if the application is not approved.

Additional fees may be charged to cover the cost of legal review where model legal documents are available, applicable to the proposed project or units, and not used.

Monitoring & Oversight

The chief elected official must annually certify to EOCD, in writing, that units approved by the Local Initiative Program continue to be occupied by income-qualified persons, that any vacancies were filled or units were resold in accordance with the requirements of the program, and that the units have otherwise been maintained in a manner consistent with the Program and with the applicable use restriction or regulatory agreement. The chief elected official may designate a municipal board, a public agency (e.g. a local housing authority), or non-profit organization to be responsible for ensuring such compliance, but certification must be provided by or through the chief elected official.

EOCD and the chief elected official shall, as a condition of the use restriction and/or regulatory agreement for each approved project or unit, have reasonable access to records necessary to monitor compliance with the Local Initiative Program.

Subsidized Housing Inventory

The subsidized housing inventory is a compilation of low and moderate income units in each city and town compiled periodically by EOCD. The inventory is used by zoning boards of appeal and by the Housing Appeals Committee to determine whether ten percent of the housing stock in a given community is subsidized housing within the meaning of M.G.L. Chapter 40B. If a community exceeds the ten percent threshold, then local decisions on comprehensive permits may not be overruled by the Housing Appeals Committee.

Local Initiative Units and Comprehensive Permit Projects approved by EOCD will immediately be included in EOCD's public record of subsidized housing units and will be listed in the next regular update of the subsidized housing inventory as soon as a building permit has been issued. They will remain in the inventory and be considered subsidized housing units for purposes of M.G.L. Chapter 40B, for as long as the EOCD-approved use restrictions and lock-in period remain in effect for these units and for as long as the units are otherwise in compliance with the regulations and guidelines of the Local Initiative Program. If a city or town fails to submit an annual certification of the units or projects (see "Monitoring & Oversight") then the units or project will no longer be considered subsidized housing units and will no longer be included in EOCD's inventory.

Within Comprehensive Permit Projects, generally only the low and moderate income units will be counted as subsidized housing units for purposes of M.G.L. Chapter 40B. All of the units in a project will be counted, however, if the percentage of low or moderate income units and the population and incomes served by the project are comparable to mixed-income rental housing projects developed with tax-exempt financing (e.g., TELLER). To be so counted, at least 20 percent of the units must be affordable during the lock-in period to households with incomes below 50 percent of the regional median.

Qualified Housing Types

To qualify for the Local Initiative Program, units must be residential accommodations that contain separate and complete living facilities. A nursing home, for example, would not qualify, while housing with shared facilities and services (such as congregate elderly housing) would qualify if each unit includes a kitchen and its own separate facilities.

The Secretary also reserves the right to disapprove any unit or project that, in his or her judgement, is inconsistent with state housing policy or with the intent of the Local Initiative Program. These circumstances might include, but are not limited to, segregation of low and moderate income units within specific floors, buildings or portions of a site; unusually isolated or substandard sites; poor quality of materials or design; or the excessive concentration of a community's low and moderate income housing in particular sites or neighborhoods. In these instances, the Secretary shall set forth the reasons for disapproval in writing and give the city or town a reasonable opportunity to respond.

760 CMR 45.00: LOCAL INITIATIVE PROGRAM

Section

- 45.01: Introduction and Purpose
- 45.02: Definitions
- 45.03: Local Initiative Units
- 45.04: Comprehensive Permit Projects
- 45.05: Technical Assistance
- 45.06: Inclusion of Units in Subsidized Housing Inventory
- 45.07: Critical Housing Needs
- 45.08: Guidelines
- 45.09: Waivers
- 45.10: Effective Date

45.01: Introduction and Purpose

M.G.L. c. 40B, ss. 20-23 (also known as Chapter 774 of the Acts of 1969 or as the Anti-Snob Zoning Act) created a local process for granting "comprehensive permits" for the construction of subsidized low or moderate income housing. These permits, which encompass all local requirements and regulations including zoning, are granted on a case-by-case basis by local zoning boards of appeals following a public hearing. In cities and towns where less than ten percent of the housing stock is low or moderate income housing, the denial of a comprehensive permit application or the imposition of conditions that render a proposed development infeasible may generally be appealed to the state Housing Appeals Committee.

M.G.L. c. 40B defines low and moderate income housing as "any housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing". Local Boards of Appeal and the Housing Appeals Committee have previously construed this definition to apply to financial subsidies only. As a result, cities and towns have had little incentive to undertake housing initiatives which do not require direct state or federal financial assistance but which in all significant respects are within the intent of the statute.

The final report of the Special Legislative Commission Relative to Low and Moderate Income Housing Provisions in April 1989 confirmed a legislative intent that programs providing for subsidies in kind or through technical assistance or other supportive services, and in particular a local initiative program sponsored by the Commonwealth in conjunction with its cities and towns, be construed as a subsidy within the intent of M.G.L. c. 40B. The purpose of 760 CMR 45.00 is to implement such a program and thus to give local housing initiatives formal standing within the comprehensive permit process.

The provisions of 760 CMR 45.00 have been developed after consultation with, and with support from, the Housing Appeals Committee. None of these provisions should be construed, however, to interfere with the independent authority of the Committee pursuant to M.G.L. c. 40B.

45.02: Definitions

Board of Appeals means the Board established by a city or town pursuant to M.G.L. c. 40A, s. 14.

Chief Elected Official means the mayor of a city, the Board of Selectmen in a town, or such other official as may be so recognized by the Secretary.

Comprehensive Permit means a permit for the development of subsidized low and moderate income housing pursuant to M.G.L. c. 40B, ss. 20-23.

Comprehensive Permit Project means a housing development which, as part of the Local Initiative Program, is approved by and receives technical assistance from the Department and is therefore authorized to apply for a Comprehensive Permit pursuant to 760 CMR 45.04.

Department means the Department of Community Affairs within the Executive Office of Communities and Development, as established and existing pursuant to M.G.L. c. 23B and c. 6A.

45.03: continued

- (4) the initial period of such Use Restrictions is as long as practicable but in no event less than five years; and,
- (5) the owner(s) of the units agree to be subject to equal housing opportunity guidelines established by the Department.

45.04: Comprehensive Permit Projects

The Department shall, upon application from the Chief Elected Official of a city or town, certify that a housing development proposed in such application is a valid Comprehensive Permit Project within the Local Initiative Program, and therefore that the developer of such project qualifies to apply to the Board of Appeals for a comprehensive permit pursuant to M.G.L. c. 40B, if such development meets the following minimum requirements:

- (1) at least 25 percent of the units in such development will be Low and Moderate Income Units;
- (2) the developer agrees to execute a Regulatory Agreement with the Department;
- (3) the units are subject to a Use Restriction for the longest period of time allowed by law;
- (4) the developer and/or owners of the project agree to develop and implement an affirmative fair marketing plan in a form approved by or required by the Department; and,
- (5) the project has the written support, where applicable, of the Local Housing Partnership.

45.05: Technical Assistance

The Department shall provide subsidy, in the form of technical assistance, to each Local Initiative Unit and Comprehensive Permit Project approved as part of the Local Initiative Program. The purpose of such technical assistance is to support the provision of Low and Moderate Income Units which do not require direct state or federal financial assistance. The assistance rendered by the Department may include, but is not limited to, assistance in evaluating sites, selecting developers, reviewing development proposals, determining project feasibility, and monitoring compliance with Use Restrictions and Regulatory Agreements.

45.06: Inclusion of Units in Subsidized Housing Inventory

Local Initiative Units and Comprehensive Permit Projects approved by the Department shall be considered Subsidized Housing Units for purposes of M.G.L. c. 40B and be included in the Subsidized Housing Inventory as follows:

- (1) Local Initiative Units will be included in the Subsidized Housing Inventory, and will be considered Subsidized Housing Units for purposes of M.G.L. c. 40B, for as long as approved Use Restrictions remain in effect for these units and for as long as the units are otherwise in compliance with 760 CMR 45.00.
- (2) Comprehensive Permit Projects will be included in the Subsidized Housing Inventory for as long as a Regulatory Agreement remains in effect and for as long as the projects are otherwise in compliance with 760 CMR 45.00.
- (3) Within Comprehensive Permit Projects, generally only Low and Moderate Income Units will be counted as Subsidized Housing Units for purposes of M.G.L. c. 40B. All of the units in a project shall be counted if the Department finds, in accordance with its Guidelines, that the percentage of low or moderate income units and the population and incomes served by the project are comparable to projects developed through another federal or state subsidy program (e.g., SHARP) in which all of the units are counted for purposes of c. 40B.

List of Communities in the Boston Primary Metropolitan Statistical Area

ACTON	MAYNARD	WINCHESTER
ARLINGTON	MEDFIELD	WINTHROP
ASHLAND	MEDFORD	WOBURN
AYER	MEDWAY	WRENTHAM
BEDFORD	MELROSE	
BELLINGHAM	MENDON	
BELMONT	MIDDLEBOROUGH	
BERLIN	MILFORD	
BOLTON	MILLIS	
BOSTON	MILTON	
BOXBOROUGH	NAHANT	
BRAINTREE	NATICK	
BROOKLINE	NEEDHAM	
BURLINGTON	NEWTON	
CAMBRIDGE	NORFOLK	
CANTON	NORTH READING	
CARLISLE	NORTON	
CARVER	NORWELL	
CHELSEA	NORWOOD	
COHASSET	PEMBROKE	
CONCORD	PLYMOUTH	
DEDHAM	PLYMPTON	
DOVER	QUINCY	
DUXBURY	RANDOLPH	
EVERETT	RAYNHAM	
FOXBOROUGH	READING	
FRAMINGHAM	REVERE	
FRANKLIN	ROCKLAND	
GROTON	SAUGUS	
HANOVER	SCITUATE	
HANSON	SHARON	
HARVARD	SHERBORN	
HINGHAM	SHIRLEY	
HOLBROOK	SOMERVILLE	
HOLLISTON	SOUTHBOROUGH	
HOPEDALE	STONEHAM	
HOPKINTON	STOUGHTON	
HUDSON	STOW	
HULL	SUDBURY	
KINGSTON	TOWNSEND	
LAKEVILLE	UPTON	
LANCASTER	WAKEFIELD	
LEXINGTON	WALPOLE	
LINCOLN	WALTHAM	
LITTLETON	WATERTOWN	
LYNN	WAYLAND	
LYNNFIELD	WELLESLEY	
MALDEN	WESTON	
MANSFIELD	WESTWOOD	
MARLBOROUGH	WEYMOUTH	
MARSHFIELD	WILMINGTON	

APPENDIX

LOCAL INITIATIVE PROGRAM

The Local Initiative Program uses the following HUD adjustments for larger families to determine income limits.

Number of Persons in Family and Percentage Adjustments

# Persons	4	5	6	7	8	9	10
% Adjustment	Base Income	106.25%	112.5%	118.75%	125%	131.25%	137.5%

April 4, 1990

file copy
3/8/94

John & Debbie & Selectmen

Thank you so very
much for the lovely
basket of flowers and
balloon we received for
Samantha's birth. We
appreciated the thoughtfulness!

John & Deb

Thank you

for

sharing our

happiness

John, Deb, Patrick, and Samantha

LAW OFFICES OF
CHARLES G. KADISON, JR.
179 Great Road
Acton, Massachusetts 01720

Charles G. Kadison, Jr.
Stephen L. Pearson

Acton - (508) 264-4886
Lexington - (617) 861-6662
Telecopier - (508) 264-0320

February 28, 1994

Board of Selectman
Town of Acton
Town Hall
472 Main Street
Acton, MA 01720

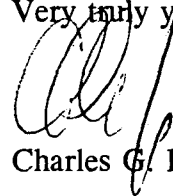
Re: Sun Refining & Marketing Co.
Our File No. 1532

Dear Members of the Board:

On behalf of my client, Sun Refining & Marketing Co., I hereby request an extension for the maximum time allowed by statute to the Site Plan Special Permit #2/7/90-324 and the Amendment to the Site Plan Special Permit due to lapse on April 14, 1994.

Thank you for your consideration regarding this matter.

Very truly yours,



Charles G. Kadison, Jr.

\clg

cc: Sun Refining & Marketing Co.

c:\wp51\files\1532\selectmn.ltr

GARRY RHODES - PLEASE COMMENT
cc: BOS

MAGIC

cc: BOS

Minuteman Advisory Group on Interlocal Coordination

Acton
Borborough
Carlisle
Concord
Hudson



Littleton
Marlborough
Maynard
Stow
Sudbury

c/o MAPC, 60 Temple Place, Boston, MA 02111 617 / 451-2770

**MINUTEMAN ADVISORY GROUP
ON INTERLOCAL COORDINATION**

A Subregion of Metropolitan Area Planning Council

MEETING NOTICE

March 10, 1993
Concord Town House
Concord Center

7:00 p.m. DRI Subcommittee

The DRI Subcommittee will review the DEIR for the Expansion of the Hudson/Stow Solid Waste Management Facility and, if time allows, the ENF for a 142-bed nursing home proposed in Sudbury. Representatives from Hudson, Stow, Sudbury, and adjacent communities should attend.

7:30 p.m. MAGIC BUSINESS MEETING

Appoint Nominating Committee
Appoint Liaison to Subregional Housing Task Force
DRI Subcommittee Report
Vote on Recommending Extension of Oxbow
Ft. Devens Enterprise Commission: Staff report on regional representation
Transportation Improvement Program (TIP)
Report on Subregional Retreat*
State of the Region
Other

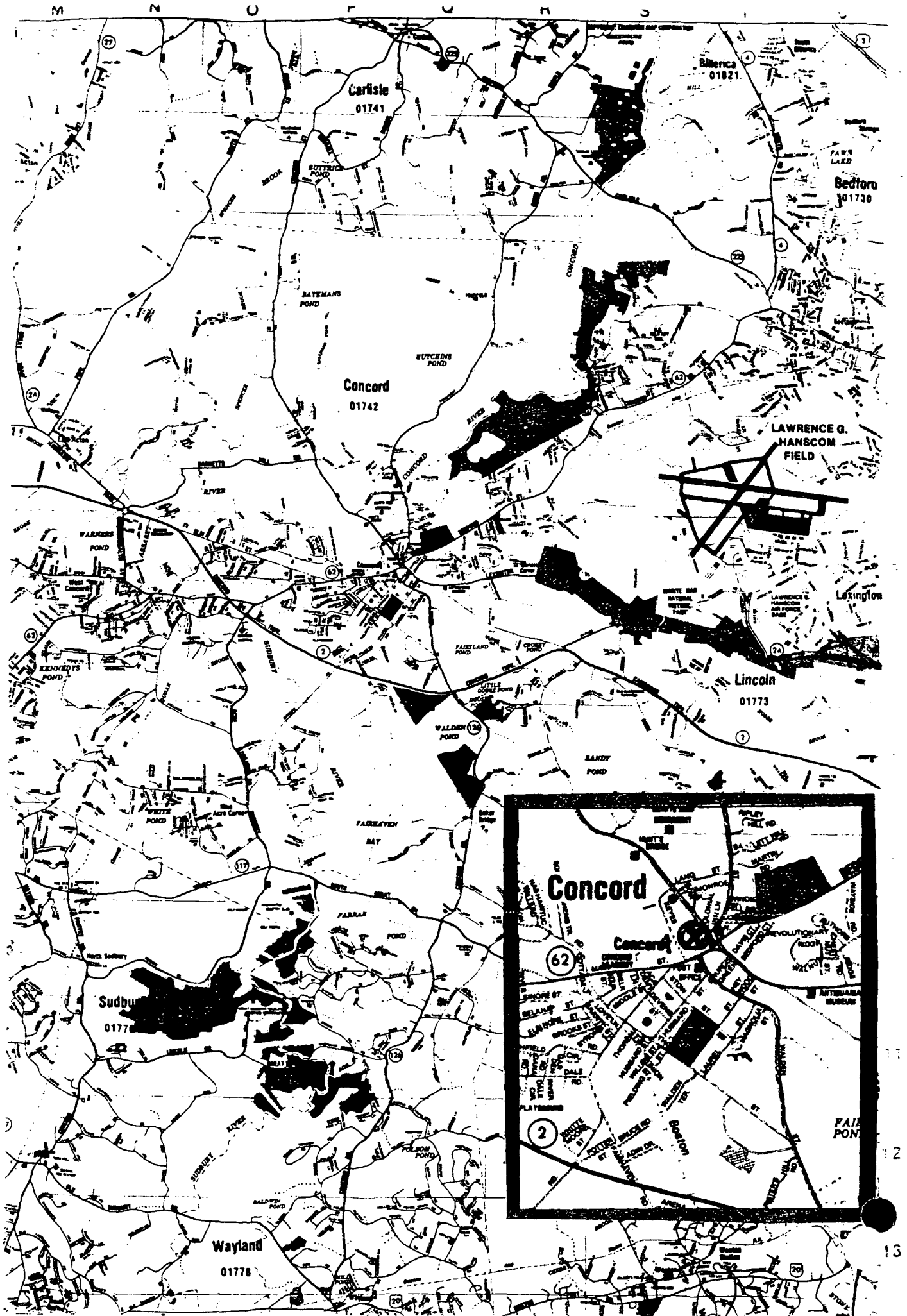
7:45 p.m. Mass. Planning and Development Act ("Growing Smart")

Discussion of Draft Letter*

8:00 p.m. MEETING WITH LEGISLATORS

Annual informal dialogue with legislators. This year's "hot topics" include: the proposed Massachusetts Planning and Development Act (aka "Growing Smart" and "1000 Friends" legislation) and other approaches to regionalism; the reuse of Ft. Devens; potential for a second airport at Devens or Hanscom; the transportation bond bill, including Chapter 90 funding, and other regional transportation issues; the open space bond bill; the "betterments" bill; economic development issues; state and federal housing initiatives and funding; and other regional planning issues.

* Informational materials are enclosed in mailings to MAGIC members. Please review in advance.



80 Plympton Rd.
Sudbury, MA 01776

February 28, 1994

Mr. F. Dore Hunter
Chairman
Acton Board of Selectmen
Town Hall
Acton, MA 01720

Dear Mr. Hunter:

Thank you for replying to my daughter's letter of January 12, 1994 on 16 February. I have to tell you I was much disturbed over your final paragraph which mentions your having "discussed the possibility of 'quashing' a family member's traffic citation with an elected official".

No one ever asked that anything be "quashed". I originally telephoned Police Chief Robinson to inquire on what basis a "warning citation" for speeding was mailed to my daughter several days after the 12/29/93 accident when, in fact, there had been no witnesses at the scene. Later Stephanie wrote asking that the case be investigated, that the Massachusetts rules of the road be uniformly enforced. It is against the law to make a left-hand turn in front of oncoming traffic. That is what Mr. Robert Kiley did, in front of my daughter, yet he was not cited.

I/we have nothing to hide; you may feel free to use my name at your Board meetings.

Yours sincerely,


Mrs. Anthony T. Cope



Commissioner
Mitchell Adams
Deputy Commissioner
Leslie A. Kirwan

Massachusetts Department of Revenue
Division of Local Services

BULLETIN

CC: BOS
ROY W.
TESS S.
ROLAND B.
MARCELLA S.

1993 LEGISLATIVE ENACTMENTS

TO: Local Officials
FROM: Leslie A. Kirwan, Deputy Commissioner
Division of Local Services
DATE: February 18, 1994
SUBJECT: Summary of 1993 Municipal Law Changes

To keep you informed of legislative developments during the year, the Division of Local Services publishes on a periodic basis a BULLETIN summarizing any new laws enacted that affect municipal budgets and tax assessment, administration and collection. Each issue contains a cumulative summary of session laws enacted to that time and indicates whether the Division has issued or will issue any further implementation guidelines.

Attached is the final edition of the 1993 LEGISLATIVE BULLETIN. It includes any legislative changes affecting municipal finance found in Chapters 1-498 of the Acts of 1993. Summaries of legislation enacted since the September 1993 edition was issued begin on page 8 with Chapter 179. Any changes in or additions to the previously issued material are underscored.

Copies of these new laws can be obtained from the State Bookstore located in Room 116 of the State House.

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.

The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.

Division of Local Services, PO Box 9655, Boston, MA 02114 - 9655 (617) 727-2300

1993 LEGISLATIVE ENACTMENTS

Ch. 19 ECONOMIC DEVELOPMENT

An Act Relative to Incentives for Economic Development.
Effective March 9, 1993.

§§4, 12 and 14 Economic Development Tax Exemptions. Authorizes two new local property tax exemptions intended to function as incentives for economic development. A municipality may adopt either exemption in conjunction with a comprehensive plan for the development of economically distressed areas proposed by the community and approved by the newly created Economic Assistance Coordinating Council. Economically distressed areas are called economic target areas (ETAs) and those parts of an ETA that are suitable for commercial or industrial development may be designated as Economic Opportunity Areas (EOAs). Either of the new exemptions may be authorized for parcels within an EOA.

Under the first option, which is called a special tax assessment and is contained in G.L. Ch. 23A §3E, a city or town may exempt from taxation declining percentages of the value of a development project located within an EOA over a four year period (100% in first year, 75% in second, 50% in third and 25% in fourth and final).

The second option, which is set forth in G.L. Ch. 40 §59 and Ch. 59 §5 C1. 51, permits cities and towns to designate Tax Incremental Financing (TIF) zones and exempt a percentage of the increased value of a development project for up to twenty years. TIF exemptions may be authorized for properties in TIF zones within an EOA or within an area designated by the Secretary of Economic Affairs as presenting exceptional opportunities for increased economic development. Cities and towns may also grant parcels receiving TIF exemptions full or partial exemptions from betterments or special assessments.

Regulations have been issued by the Executive Office of Communities and Development (751 Code of Massachusetts Regulations (CMR) 11.00) and Economic Assistance Coordinating Council (402 CMR 2.00) governing the application process for the designation of ETAs and EOAs and for the approval of projects eligible for either exemption. Informational Guideline Release (IGR) 94-201 issued February 1994.

§42 Deed Excise. Clarifies the effective date of the permanent increase in the deed excise rate of \$4.56 per thousand found in FY93 State Budget. The rate increase is now effective as of January 5, 1993, the date the Governor's veto of the increase was overridden by the Legislature, rather than July 1, 1992, the effective date of the budget.

Ch. 20 LIBRARY AID

An Act Relative to Certain Libraries in the Commonwealth.
Effective March 11, 1993.

Waives for FY93, 94 and 95 the maintenance of effort requirements for the receipt of library assistance established by G.L. Ch. 78 §19A for those communities in receivership or operating under a fiscal control board on January 1, 1993.

Ch. 36 CITY BUDGETS

An Act Relative to Procedures for City Budgets in the Current Year.
Effective April 28, 1993.

Extends for FY94 the deadline set forth in G.L. Ch. 44 §32 for the mayor in all cities, except Boston, to submit the annual budget to the city council. Also permits the use of so-called 1/12 budgets for no more than three months if the FY94 budget is not approved by July 1, 1993.

Ch. 50 FY93 SUPPLEMENTAL BUDGET

An Act Making Appropriations for the Fiscal Year 1993 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.
Effective May 20, 1993.

§§15 and 16 Model Water and Sewer Commission. Amends G.L. Ch. 40N, which authorizes cities and towns to create a separate and independent water and sewer commission. Clarifies that property owned by the state, a municipality or independent authority is not subject to betterments and special assessments under §9(c), which prohibits the exemption of the state, a municipality or an independent authorities from water and sewer charges. Also makes a technical correction in the notice requirements found in §9(d) for shutting off the water supply to a property for non-payment of water or sewer charges.

TESS/ROY
§17 Medicaid Reimbursements. Allows cities, towns and regional school districts, under a new provision G.L. Ch. 44 §72, to receive federal reimbursements to the state under the Medicaid program for medical care and services they provide to certain special needs students children. The reimbursements are to be credited to the general fund.

Ch. 71 EDUCATIONAL REFORM

An Act Establishing the Education Reform Act of 1993.
Effective June 18, 1993.

Makes significant changes in the operation and financing of public schools. An overview of the finance provisions of the act, "Impact of the Education Reform Act on Municipal Finance," was issued with Cherry Sheets in August 1993.

\$26 Local Education Fund Contributions. Permits cities and towns that accept the provisions of G.L. Ch. 60 §3C, which establish a municipal scholarship fund financed by voluntary taxpayer contributions on property tax or motor vehicle excise bills, to also establish a separate educational fund to provide supplemental educational funds for local school needs. The educational fund would be financed, administered and distributed in the same manner as the scholarship fund. IGR 93-205 issued August 1993.

Ch. 110 FY94 STATE BUDGET

An Act Making Appropriations for the Fiscal Year 1994 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.
Effective July 1, 1993 unless otherwise noted.

\$4 Advance Local Aid. Authorizes the State Treasurer to advance payments of FY94 local aid distributions to a city, town or regional school district that demonstrates an emergency cash shortfall, as certified by the Commissioner of Revenue and approved by the Secretary of Administration and Finance. IGR 93-102 issued August 1993.

\$20 Sewer Rate Relief Fund. Establishes a \$30 million fund to be distributed to cities, towns, district or authorities to mitigate sewer rate increases due to the cost of debt obligations issued after January 1, 1992 for water pollution abatement and wastewater treatment projects. The funds are to be distributed by December 31, 1993 under guidelines developed by the Division of Local Services in consultation with the Department of Environmental Protection.

§67 and 195 Water and Sewer Rates. Effective July 1, 1994. Adds two new sections, G.L. Ch. 165 §2B and Ch. 21 §53A, which require rates set by municipalities and districts for water and sewer service to reflect an increasing block rate for high volume users.

§104 Tax Increment Financing Exemption. Makes a technical change in the calculation of the tax increment financing (TIF) property tax exemption authorized by Ch. 19 of the Acts of 1993.

§106 Revaluation/Tax Map Contracts. Extends until ten years the period of time for which cities and towns are authorized to borrow for revaluation and tax mapping contracts under G.L. Ch. 44 §7 Cl. 18. Previously, cities and towns could borrow for no more than two years for these purposes.

§110 Veteran Exemptions. Adds a local option provision to G.L. Ch. 59 §5, which if accepted by a city or town, reduces from five to one the number of years a person must have been a Massachusetts resident to qualify for a veteran exemption under Cl. 22, 22A, 22B, 22C, 22D or 22E.

§§111 and 116 Abatement for Senior Citizen Water/Sewer Ratepayers. Establishes an abatement program for homeowners sixty-five years or older in those cities and towns that adopt G.L. Ch. 59 §21C(n), which permits an increase in property taxes to pay for water and sewer debt service charges. The amount abated will be the difference between the increased property taxes due to the acceptance of G.L. Ch. 59 §21C(n) and the amount the homeowner's water and sewer bill would be higher if that amount were recovered in the water and sewer charges. The maximum abatement permitted is \$200. Homeowners must also meet certain gross receipts and whole estate requirements. Applications must be filed by December fifteenth, or three months after the mailing of the tax bills, whichever is later. The Commonwealth will reimburse cities and towns for the abated taxes. IGR 93-207 issued October 1993.

§§112 and 187 Small Commercial Exemption. Adds a new option under the classification law, G.L. Ch. 59 §5I, which permits the board of selectmen or mayor, with the approval of the city council, to exempt no more than 10% of the value of a Class Three, Commercial, parcel that is occupied by a small business and is valued for less than one million dollars. Eligible businesses are those with

an average annual employment of no more than ten people during the prior calendar year, as certified by the commissioner of the department of employment and training. The commissioner is required by G.L. Ch. 151A §64A to provide the assessors with a list of eligible businesses on or before July first of each year. The list is not a public record and may only be used for the purpose of administering this exemption. The exemption is in addition to any other exemptions allowed under G.L. Ch. 59 §5 and is borne by the commercial and industrial classes. IGR 93-402 issued December 1993.

§§113 and 114 Property Tax Increase for Water/Sewer Capital Costs. Adds a new debt exclusion to Proposition 2½, G.L. Ch. 59 §21C(n), which permits cities and towns to shift all or a portion of water and sewer capital costs now paid through user charges to the property tax levy outside the levy limit. The exclusion is adopted by vote of the board of selectmen or city council, with the mayor's approval if required by law, not by vote of the electorate. IGR 93-207 issued October 1993.

§117 Municipal Lien Certificates. Amends G.L. Ch. 60 §23 to provide that any proposed subdivision plans may not be recorded unless accompanied by a municipal lien certificate indicating all taxes, assessments and charges have been paid.

§181 Biweekly Payrolls. Makes cities, towns, regional school districts, counties and other political subdivisions of the commonwealth subject to the prompt wage payment requirements of G.L. Ch. 149 §148, including its 1992 amendments, which permit biweekly payrolls, provided that any employees paid on a weekly basis on July 1, 1992 are given at least 90 days notice of the change.

§256 Early Retirement Program. Authorizes cities, towns and counties that fully fund their retirement systems and accept its provisions to establish early retirement programs for hospital or department of health employees. Early retirement programs are to be administered by the applicable retirement system. Acceptance requires both legislative (town meeting, city council, county advisory board) and executive (board of selectmen, mayor, county commissioners) action. Eligible employees must apply for early retirement by December 31, 1993 and retire between August 15, 1993 and 120 days after city, town or county acceptance of the act.

§316 School "Local Contribution" Adjustment. Permits cities and towns to apply to the Commissioner of Revenue for an adjustment in the local contribution amount required under the Education Reform Act for FY94 if they used non-recurring revenues in FY93 to support school spending.

Ch. 141 FIRE DISTRICTS

An Act Authorizing the Leasing of Real Estate by Fire Districts. Effective September 5, 1993.

Authorizes fire districts, under a new provision G.L. Ch. 48 §77A, to hold real estate for public use and permits district prudential committees to lease land or buildings for up to ten years.

Ch. 142 CREDIT CARD USE

An Act Authorizing Municipalities to Accept Credit Cards for Golf Fees. Effective November 4, 1993.

Authorizes cities and towns to accept credit cards for payment of golf greens fees at municipal golf courses and prohibits them from charging anyone using credit cards higher fees than those charged anyone else.

Ch. 151 FY93 SUPPLEMENTAL BUDGET

An Act Making Appropriations for the Fiscal Year 1993 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects. Effective August 19, 1993, unless otherwise noted.

§28 School Rental Fund. Adds a local option provision to G.L. Ch. 40 §3, which if accepted, makes the school rental fund a revolving fund by permitting the fiscal year end balance to remain in the fund instead of closing to the general fund.

§29 Motor Vehicle Excise Non-Renewal. Amends G.L. Ch. 60A §2A to require that local collectors using the registration and license non-renewal procedure to collect a delinquent motor vehicle excise notify the Registry of Motor Vehicles of the delinquent excise within six years after the original excise bill was issued.

§§32-41 Education Reform. Makes various changes, mostly technical, in §2 of G.L. Ch. 70, which establishes the definitions used in the foundation budget formula under the Educational Reform Act. The major change is found in §35, which amends the definition of "municipal revenue growth factor" to allow for an adjustment of the new tax growth calculation when growth in one of the prior three years exceeds the average of the other two years by more than two percentage points. The lowest three of the last four years is then substituted in the calculation to make the factor more representative of revenue growth trends.

§109 Sewer Relief Fund. Effective July 1, 1993. Requires the board, officers or commission responsible for setting sewer rates in cities, towns, districts or authorities that receive, or are members of regional entities that receive, a distribution from the Sewer Relief fund established by §20 of the FY94 State Budget to certify to the Division of Local Services that sewer rates have been reduced by a commensurate amount.

§117 School "Local Contribution" Adjustment. Effective July 1, 1993. Amends the provision found in §316 of the FY94 State Budget to permit cities and towns to also apply to the Commissioner of Revenue for an adjustment in the local contribution amount required under the Education Reform Act for FY94 if they must use revenues for an extraordinary, one-time non-school related expenditure.

§128 School "Local Contribution" Waiver. Permits cities and towns spending more than the foundation budget for local schools and providing a full array of educational programs and support services to apply to the Commissioner of Education for a reduction in their preliminary local contribution requirement under the Education Reform Act.

§129 Regional School Budgets. Extends for an additional forty-five days the period of time available for a regional school district committee to reconsider, amend and reapportion a FY94 district budget not approved by member municipalities.

§133 Regional School Education Aid. Requires regional school districts receiving Ch. 70 education aid payments previously paid to member municipalities to credit those municipalities with the aid in determining their FY94 district assessments and to reduce members' assessments to reflect any equity aid received by the district.

Ch. 179

MULTI-COMMUNITY REVOLVING FUNDS

An Act Relative to the Establishment of Revolving Funds in Cities and Towns.
Effective October 13, 1993.

Authorizes the creation of an intergovernmental revolving fund by a community that is the lead community in the operation of a multi-community yard waste processing or recycling program. For a lead community to create the fund, its board of selectmen if a town, or mayor and city council if a city, must vote to authorize it, must establish a limit on the total amount which may be spent from the fund for the first fiscal year and must designate the department responsible for operating the yard waste processing or recycling program. For future fiscal years, the local appropriating body will set the annual spending limit and designate the responsible department. The spending limit may be increased during the course of any fiscal year with the approval of the board of selectmen or mayor and city council.

Participating communities will appropriate funds for the purposes of the yard waste processing or recycling program and will pay them over to the treasurer of the lead community. Any other receipts generated in connection with the program will also be credited to the fund. Interest earned on monies in the fund belong to the general fund of the lead community. Monies in the fund may be spent without appropriation for the operation of the program, but no expenditures may be made or obligations incurred in excess of the actual monies received and credited to the fund, nor of the approved spending limit for the year. The regular warrant process must be used to make payments from the fund and all disbursements must be approved by the mayor and city council in a city, or the town and board of selectmen in a town, as well as the municipal accounting officer. An annual report on the operation of the fund is to be prepared by the accounting officer, reviewed by the mayor and city council or town manager and board of selectmen, and forwarded to the Bureau of Accounts.

The balance in the fund at the end of the fiscal year will carry forward into the next year. The fund may be dissolved after payment of all expenses associated with operating the program, and any balance is to be returned to the participating communities in the same proportion as their payments to the fund.

Ch. 198

SETTLEMENT OR INCORPORATION FUNDS

An Act Authorizing Cities and Towns to Establish a Special Fund for the Celebration of its Settlement or Incorporation.
Effective October 28, 1993.

Adds G.L. Ch. 44 §53I, which permits a city or town to appropriate money for the celebration of the 200th, 250th, 300th and 350th anniversary of its settlement or incorporation in the five years before the anniversary. Monies appropriated for the celebration are to be maintained in a special fund, which may also include receipts from the sale of commemorative items or from admission charges for commemorative ceremonies or events. Interest earned will remain with the fund. The fund may be spent in the year before, of and after the celebration, by the mayor, city manager, board of selectmen or any special committee established to plan the celebration. Any surplus in the fund after the celebration is to be transferred to the general fund.

Ch. 214

MUNICIPAL DISABILITY COMMISSIONS

An Act Relative to Municipal Disability Commissions.
Effective February 2, 1994.

Clarifies that a vote of town meeting, not the electorate, is required for a town to accept G.L. Ch. 40 §8, which establishes a municipal disability commission. Also validates any prior town meeting votes accepting the statute.

Ch. 382

WATER AND SEWER BILLS

An Act Relative to the Prompt Collection of Water and Sewer Bills.
Effective April 4, 1994.

Requires, under a new provision G.L. Ch. 244 §15A, a mortgagee that takes possession of mortgaged property before foreclosure or conveys title to the property to notify all residential tenants, the board of assessors or tax collector, and water and sewer departments or companies of the change in possession or ownership within 30 days of the change. The purpose of the notification is to facilitate collection of water and sewer bills.

Ch. 408

LICENSE AND PERMIT DENIAL, REVOCATION AND SUSPENSION

ROY / MARCELLA
~~An Act Further Regulating the Denial, Revocation or Suspension of Local Licenses and Permits.~~
Effective April 10, 1994.

Allows communities that have accepted G.L. Ch. 40 §57 to revoke, suspend or deny a local license or permit to anyone who plans to conduct or is conducting the licensed activity on the property of a person who is delinquent on his local taxes, fees or other charges. Previously, municipalities could only revoke, suspend or deny licenses or permits for the delinquent himself.

Ch. 413

SIDEWALK CONSTRUCTION DEBT

~~An Act Relative to Construction of Sidewalks.~~
Effective April 10, 1994.

ROY
Adds sidewalks constructed of bituminous concrete to the type of sidewalk construction for which cities and towns may borrow under G.L. Ch. 44 §7 Cl. 6.

Ch. 495

FY94 SUPPLEMENTAL BUDGET

An Act Making Appropriations for the Fiscal Year 1994 to Provide for Supplementing Certain Existing Appropriations and for other Activities and Projects. Effective January 14, 1994.

§101 Regional School "Net School Spending" Waiver. Permits regional school districts to apply to the Commissioner of Revenue for a waiver of their net school spending requirement under the Education Reform Act for FY94 if they used certain non-recurring revenues to support their FY93 budgets. BULLETIN issued January 18, 1994.

ROY
§129 Quarterly Taxes. Permits cities and towns using a quarterly tax payment system under G.L. Ch. 59 §57C to issue, with the approval of the Commissioner of Revenue, a third quarter preliminary tax bill if they were unable to issue FY94 tax bills by December 31, 1993. BULLETIN issued January 18, 1994.

Last Act: Chapter 498 enacted on January 4, 1994 and signed by the Governor on January 14, 1994.

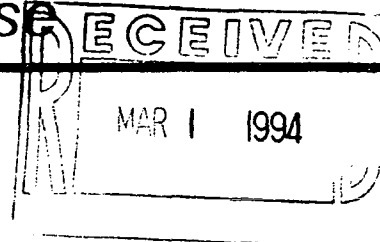


Commissioner
Mitchell Adams
Deputy Commissioner
Leslie A. Kirwan

Massachusetts Department of Revenue

Division of Local Services

Informational Guideline Release



Property Tax Bureau
Informational Guideline Release No. 94-201
February 1994

PROPERTY TAX EXEMPTIONS TO PROMOTE ECONOMIC DEVELOPMENT

Chapter 19, SS. 4, 12 and 14 and Chapter 110, S. 104 of the Acts of 1993
(Adding G.L. Ch. 23A, S. 3E, Ch. 40, S. 59 and Ch. 59, S. 5 Cl. 51)

This Informational Guideline Release informs local officials about recent legislation allowing cities and towns to provide property tax incentives to businesses that build or expand within areas designated for economic development.

Topical Index Key:

Exemptions

Distribution:

**Assessors
Selectmen/Mayors
City/Town Councils
City/Town Managers/Exec. Secys.
City Solicitors/Town Counsels**

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management.

The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.

Division of Local Services, PO Box 9655, Boston, MA 02114 - 9655 (617) 727-2300

Informational Guideline Release No. 94-201
February 1994

PROPERTY TAX EXEMPTIONS TO PROMOTE ECONOMIC DEVELOPMENT

Chapter 19, SS. 4, 12 and 14 and Chapter 110, S. 104 of the Acts of 1993
(Adding G.L. Ch. 23A, S. 3E, Ch. 40, S. 59 and Ch. 59, S. 5 Cl. 51)

SUMMARY:

This legislation establishes two new local property tax exemptions intended to function as incentives for economic development. A municipality may grant either exemption to a business in conjunction with a comprehensive plan for the development of economically distressed areas proposed by the community and approved by the newly created Economic Assistance Coordinating Council (EACC). Economically distressed areas are referred to in the legislation as economic target areas (ETAs); those parts of an ETA that are suitable for commercial or industrial development can be designated as economic opportunity areas (EOAs). Real estate projects within an EOA are eligible for the exemptions, but only one of the exemptions can be granted to any particular parcel.

The first type of exemption authorized is called a special tax assessment and is contained in General Laws Ch. 23A §3E. It provides a four-year declining exemption equal to 100% of a parcel's value in the first year, 75% of its value in the second year, 50% in the third year and 25% in the fourth and final year.

The statutory framework for the other new exemption - the so-called tax increment financing or TIF exemption - is set out in G.L. Ch. 59 §5 Clause 51 and in G.L. Ch. 40 §59. The TIF exemption is an exemption of a percentage of the increase in a parcel's value over its base value in the year before the exemption was granted. The exemption can last for up to twenty years, and the percentage of the increased value that will be exempt can be up to 100%. Both the duration of the exemption and the percentage of increased value that will be exempt are fixed by the municipal vote that adopts the TIF plan. There is an adjustment to a parcel's base value to insure that the exemption applies only to increases in a parcel's value that exceed the ordinary inflationary increases in the value of other commercial and industrial property in the community. TIF exemptions may be authorized for parcels in TIF zones within an EOA or within an area designated by the Secretary of Economic Affairs as presenting exceptional opportunities for increased

PROPERTY TAX BUREAU

HARRY M. GROSSMAN, CHIEF

economic development. Personal property situated on a parcel receiving a TIF exemption will also be exempt. Communities may also grant parcels receiving TIF exemptions whole or partial exemptions from betterments or special assessments.

Detailed regulations have been issued by the Executive Office of Communities and Development (EOCD) (751 Code of Massachusetts Regulations (CMR) 11.00) and the EACC (402 CMR 2.00) governing the application process for the designation of ETAs and EOAs, and for the approval of real estate projects eligible for either of the new exemptions.

GUIDELINES:

A. Adoption of Exemption

1. Adoption Procedure

The new exemptions must be adopted by a vote of the town meeting, town council or city council with the mayor's approval where required. As noted above, no parcel can receive both the special tax assessment and the TIF exemption. Therefore, the vote must specify which exemption will be applicable for each parcel.

In the case of the TIF exemption, the vote must identify each parcel that will be receiving the exemption, specify how long the exemption will last, which cannot be more than twenty years, and specify an exemption percentage for each year that the exemption will be in effect, which cannot be greater than 100%.

The vote that provides for TIF exemptions may also establish a maximum percentage of the cost of public improvements constructed in conjunction with the development of the TIF zone that may be recovered from TIF-eligible parcels through betterments and special assessments. These public improvements must be incorporated in the plan for the development of the TIF zone.

2. Taxpayer Agreement

The owner of each parcel that will receive a TIF exemption must enter into an agreement with the city or town setting out the terms of the TIF exemption applicable to the parcel, and the responsibilities and undertakings of the parties with respect to the development and use of the parcel. The agreement must also contain a provision that it will be binding upon subsequent owners of the property.

3. TIF Zone Revocation

A municipality may revoke the designation of an area as a TIF zone at any time. After a revocation, no additional TIF exemptions may be granted in the TIF zone, but the extent and duration of existing TIF exemptions will be unaffected by the revocation of the TIF zone.

B. Exemption Administration

1. Real Estate Valuation and Assessment

For both the special tax assessment and the TIF exemption, the tax committed should be based upon the value of the parcel after allowing for the exemption, rather than upon the parcel's full and fair cash value. This means that there should not ordinarily be an abatement or charge against the overlay account because of these exemptions. It also means that the value after exemption will be used in calculating the levy class percentages under G.L. Ch. 40 §56 and the minimum residential factor under G.L. Ch. 58 §1A.

2. Personal Property Exemption

Personal property situated at a parcel receiving a TIF exemption is entirely exempt. The exemption does not depend on the nature of the personalty's owner, whether it be an individual, partnership, domestic business corporation, manufacturing corporation, etc.

3. Ownership Changes

A change in the ownership of a parcel receiving a TIF exemption will not disqualify the parcel from receiving the exemption.

4. Abatements

Abatements for overvaluation are subject to the same deadlines and governed by the same rules that apply to other parcels.

5. Recordkeeping

The Board of Assessors should maintain a copy of the vote establishing the TIF or special tax assessment exemptions and - in the case of TIF exemptions - a table of the inflation factors and exemption percentages for each fiscal year that the TIF exemption has been in effect.

C. Calculation of the Exemption

1. Special Assessment

The calculation of the special tax assessment is straightforward. The assessors simply determine the full and fair cash value of the parcel in accordance with normal assessment standards, and then reduce the value by 100%, 75%, 50% or 25%, depending on whether the parcel is in its first, second, third or fourth year of eligibility.

2. Tax Increment Financing

The calculation for the TIF exemption is more complex. The assessors start with a base value for the parcel, which is its assessed valuation in the last fiscal year before the parcel became eligible for the TIF exemption. This base value is then multiplied by an adjustment factor, which is the product of the inflation factors for all the years the TIF exemption has been in effect for the parcel.

Each year's inflation factor is a fraction. The numerator of the fraction is the current fiscal year's total assessed value of all commercial and industrial parcels in the municipality that are being assessed at full and fair cash value (that is, TIF parcels are not included in the numerator), minus the part of that year's Proposition 2½ tax base growth adjustment that is attributable to commercial and industrial real estate. The denominator of the fraction is the prior fiscal year's assessed value of the parcels that were included in the numerator. If the fraction is less than one, then the inflation factor for that fiscal year is one.

After the base value of the property - its assessed value in the last fiscal year before the TIF exemption became effective - is multiplied by the inflation factors for all the years of the exemption up to and including the current fiscal year, the result of that calculation is subtracted from the current year's full and fair cash value. That difference is then multiplied by the TIF exemption percentage for that fiscal year to arrive at the amount of the exemption for the current fiscal year.

The assessed value should be the full and fair cash value minus the exemption amount; if the exemption percentage is 100%, the assessed value will simply be the base value multiplied by all the inflation factors.

EXAMPLE

In FY95 a parcel's assessed value is \$100,000. A TIF plan is adopted by the municipality granting the parcel a 50% TIF exemption for twenty years, starting in FY96. In FY96, there are 10 non-TIF eligible parcels of commercial and industrial land in the community with a total valuation of \$11,000,000. In FY95 those same 10 parcels had a total valuation of \$10,000,000. In FY96 the community has a \$800,000 tax base growth increase in its levy limit approved in accordance with G.L. Ch. 59 §21C(f); \$500,000 of the new growth is attributable to the commercial and industrial classes. The inflation factor for FY96 is therefore:

$$\frac{\$11,000,000 \text{ (FY96 value)} - \$500,000 \text{ (FY96 com./ind. new growth)}}{\$10,000,000 \text{ (FY95 value of parcels included in the numerator)}}$$

$$\text{or } \frac{\$10,500,000}{\$10,000,000} = 1.05 \text{ FY96 inflation factor}$$

A small manufacturing plant is built on the TIF parcel, increasing its market value for FY96 to \$2,000,000. Its assessed value for FY96, after allowing for the TIF exemption, is determined as follows:

$$(\$2,000,000 - \$100,000 \times 1.05) \times .5 = \$947,500$$

FY96 market value	base value	FY96 inflation factor	exemption %	FY96 exemption amount
----------------------	---------------	-----------------------------	----------------	-----------------------------

$$\text{The FY96 assessed value is } \$2,000,000 - \$947,500 = \underline{\$1,052,500}.$$

For FY97, the market value of the TIF parcel has risen to \$2,100,000, and the inflation factor for FY97 is 1.04. Its FY97 assessed valuation is:

$$(\$2,100,000 - \$100,000 \times 1.05 \times 1.04) \times .5 = \$995,400.$$

FY97 market value	base value	FY96 inflation factors	FY97 inflation factors	exemption %	FY97 exemption amount
----------------------	---------------	------------------------------	------------------------------	----------------	-----------------------------

$$\text{The FY97 assessed value is } \$2,100,000 - \$995,400 = \underline{\$1,104,600}.$$

D. Calculation of Tax Base Growth

Increases in the value of a parcel receiving a special tax assessment or TIF exemption during the exemption period will be treated as tax base growth for the levy limit calculation under G.L. Ch. 59 §21C(f) in the year or years when the increased value first becomes taxable.

Specific instructions for calculating and reporting growth for parcels receiving these exemptions will be included in future guidelines on tax base growth.

BOS

MUNICIPAL FORUM

AGENDA

Monday, March 7, 1994
7:15 a.m., Room #114, Junior High School

- 1) Agreement on APS budget warrant article
- 2) Early Retirement Incentive for Town Meeting warrant
- 3) What are the override questions?
- including townside bonding
- 4) Chimney warrant article
- 5) Update on septage
- 6) Other

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: March 3, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: Maynard Sewer Negotiations Update

The next meeting that Mike Gianotis and I have scheduled with DEP is on March 25. We were originally scheduled to meet earlier but vacation at DEP were causing a problem. Those conflicts have been resolved and this timing is suitable to all.

DEP has acknowledged that additional time will have to be extended to both Maynard and the Acton School Systems but they are willing to push their timelines back in the hope of solving the larger problem. I will keep you advised of our progress.

A handwritten signature in black ink, appearing to be "Don", located at the bottom right of the page.

CONSERVATION COMMISSION
AGENDA
NOVEMBER 3, 1993

7:30 CITIZENS' CONCERNS

WETLANDS PROTECTION

8:00 Request for Determination - 8 Vanderbilt Road - Caffee, 10/15/93

Replacement of existing failed septic system.

8:15 Continuation - Notice of Intent - Lot 2 Huckleberry Lane

8:30 Notice of Intent - Strawberry Hill Road - Bowen Property 10/22/93

Construction of a detention pond outfall structure for stormwater runoff generated by the proposed development on the north side of Strawberry Hill Road (Hearthstone Estates).

8:45 Mosquito Control

9:30 Continuation - Request for Determination - Prescott Dam

MINUTES

September 1 & 15

October 6

October 20 submitted within

**CONSERVATION COMMISSION
MINUTES FOR
NOVEMBER 3, 1993**

MEMBERS PRESENT: Morene Bodner, Andrew Sheehan, John Chalmers, Ann Shubert, Linda McElroy, William M. Hill, Peter Shanahan

ASSOCIATE MEMBER: Andrew Durham, Bob Darlington

CONSERVATION ADMINISTRATOR: Tom Tidman

RECORDING SECRETARY: Andrea MacKenzie

VISITORS: Judy Bell, Kathleen Dunlap, Russ Wilson, Tom Tarpey, Frank Melon, Eric Johnson, Vic Tomy

7:55 Mr. Hill called the meeting to order.

MINUTES - Ms. Bodner briefed the Commission on the policy for approving minutes. Any members with comments on minutes should turn them in by the next meeting, after receiving them.

ATTENDANCE - The Commission agreed to call staff prior to a meeting if they are not attending.

8:03 REQUEST FOR DETERMINATION - 8 Vanderbilt Road

Mr. Hill opened the meeting under MGL Chapter 131, §40 of the Wetlands Protection Act, and the Town of Acton bylaws for the replacement of a septic system at 8 Vanderbilt Road.

The Administrator reported that the septic system has failed at the noted address and is in need of replacement. The existing wetlands is on abutting property, and the leaching field is proposed 75' from the edge of wetlands. The Board of Health has approved the plans for this replacement. The area is relatively flat, but tapers down towards the stream (wetlands). No haybales are shown on the plans.

Ms. Bodner moved that the Commission finds the work as proposed to be within their jurisdiction, but will not impact the wetlands provided that haybales are placed as silt prevention; and the haybale locations be approved by the Administrator prior to commencement of work. Ms. Shubert seconded the motion. The motion passed unanimously.

8:08 Preliminary Discussion - Dunn Property

The Administrator reported that the Notice of Intent for the development of the Dunn Property (Main Street) is forthcoming and there is wetlands filling proposed.

Site Walk - Washington Drive

The Administrator reported that a date still has to be set for a joint site walk with Planning at the proposed Washington Drive extension. The Commission is concerned about the proposed emergency gravel access way that would alter wetlands.

8:15 CONTINUATION - Notice of Intent - Lot 2 Huckleberry Lane (#8)

Mr. Hill continued the hearing for Lot 2 Huckleberry Lane. This hearing was continued for submittal of further information, and septic approval by the Board of Health.

Mr. Russ Wilson, representing the applicant, presented amended plans showing the 25' and 40' setback as requested by the Commission. Certified mail receipts were submitted proving notification to abutters. The perimeter of the house and septic system location have been staked at the site. The Commission had also expressed concern regarding the septic system issue on the adjacent lot (6 Huckleberry Ln.), presently owned by the same person, and the drainage trench work proposed on 6 Huckleberry Lane within the plans for Lot 2.

The Commission inquired about the work proposed within the ditch on 6 Huckleberry Lane. Mr. Wilson agreed that the work for the ditch is actually within the bounds of 6 Huckleberry Lane, but it is not necessary for construction to take place on Lot 2. It was only proposed in order to help the septic system on 6 Huckleberry Lane. The Commission inquired about the possibility of continuing the corrugated metal pipe from the headwall to the existing corrugated pipe instead of having an open trench funneling into the pipe. Mr. Wilson stated that this would not be a problem if the Commission required it as a special condition. Upon further query by the Commission, Mr. Wilson stated that Lot 2 is sparsely treed with small saplings at the pond's edge and some old peat piles that are probably remnants from the excavation of Partridge Pond. Clearing of vegetation will occur up to the 40' no-build setback.

The Commission expressed concern regarding the existing septic system problems at 6 Huckleberry Lane, as pollution (such as breakout) is an interest protected under the Wetlands Protection Act, and the Town Bylaw. Since both lots are presently owned by the same person, it is difficult for the Commission to allow work on Lot 2 with outstanding issues at 6 Huckleberry Lane.

The Administrator, Tom Tidman, reported that he had spoken to the Health Director regarding the septic problems at 6 Huckleberry Lane. Mr. Tidman read a letter which was sent to the Board of Health by the land owner dated September 13, 1993. The letter states that the land owner, resident of 6 Huckleberry Lane, agrees to repair the septic system with the proceeds from the sale of Lot 2. The purchase and sale agreement for Lot 2 also states this. The Commission asked the applicant if he could provide a copy of the purchase and sale to assure the Commission that the owner does intend to follow through on the septic repairs. Mr. Frank Melon stated that he could provide a copy of the purchase and sale the following day, as he does not have it with him at this meeting.

The Commission inquired about the possibility of creating an escrow account with an appropriate sum of money for septic repairs, which would further guarantee the Commission that the problem would be remedied. Mr. Melon stated that he could check with his attorney in this regard, and that he didn't have a problem doing so. Mr. Melon stated that he could arrange for his attorney to set up such an escrow account with the present owner. He estimated the septic repair/replacement at approximately \$10,000.00, although he could not give a true estimate without actually looking at it.

8:53 Hearing no further comments, questions, or information Mr. Hill closed the hearing.

8:54 NOTICE OF INTENT - 85-100 Strawberry Hill Road

Mr. Hill opened the hearing under MGL Chapter 131, §40 of the Wetlands Protection Act, and the Town of Acton Bylaws for the construction of a detention pond.

Mr. Ian Rubin presented plans for a detention basin servicing the drainage structures from Jay Lane, which is on the opposite side of Strawberry Hill Road from the proposed basin. The detention basin is designed so there will be no increase in peak storm water flow. The detention basin is proposed with crushed stone lining the bottom and then a second layer of larger riprap stone to allow water to percolate into the ground, preventing siltation from entering the wetlands. The bottom of the detention pond is at an elevation of 232 and will have a 12" depth for storm water retention; this should retain any siltation caused by storm water runoff. An emergency drop inlet is provided at 237.4 elevation for a 100 year storm. The detention basin is designed for 4,717 s.f. of capacity. The only work actually within 100' of the wetlands is the detention basin's point of discharge. The drainage outlet discharges at an elevation of 223 over flared rip-rap sufficient to provide adequate leveling of discharge to prevent erosion. The end point of the discharge pipe will be approximately 44.5' from the edge of wetlands. Haybales are proposed at 25' from the edge of wetlands at the closest point and are provided for the entire length of the discharge pipe during construction.

9:20 Hearing no further comments, or questions, Mr. Hill closed the hearing.

MOSQUITO CONTROL

Ms. Bodner stated that she and Ms. Shubert would like to discuss two mosquito control discussions for next year. The first issue concerns whether the Commission should again write to Dean Charter to request that conservation lands be excluded from the malathion spray program. The second issue concerns sponsoring a public forum; is this still something that the Commission would be willing to undertake?

Ms. Bodner moved that the Conservation Commission organize and sponsor a public forum on mosquito control. Ms. Shubert seconded the motion. The motion passed with six aye, and one nay (6:1).

The Commission discussed possible panelists to attend the forum, such as a chemical company, a member from the Mosquito Control District, MACC, and/or a member of the Massachusetts Audubon Society.

9:32 CONTINUATION - Request for Determination - Prescott Dam

Mr. Hill continued the public meeting for the repair of the Prescott Dam off High Street and Powdermill Road under MGL Chapter 131, §40 of the Wetlands Protection Act, and the Town of Acton Bylaws.

Mr. Thomas Tarpey, Vice President of A & D Hydro, stated that during the summer he contacted the Dam Safety Division of the Department of Environmental Management (DEM) and reported that A & D Hydro had to conduct repairs at the Prescott Dam.

The DEM and DEP (Department of Environmental Protection) conflict with each other within their regulations regarding dam repairs and adjacent wetlands. DEM stated that the work should be done as soon as possible within the dry season. The repair was necessary because the dam was leaking when the water elevation increased. Mr. Tarpey contacted Tom Tidman, the Conservation Administrator, and informed him of the situation and DEM's position. Mr. Tidman treated the situation as an emergency project understanding that timing was crucial in order to conduct the repairs with the least possible impact to the wetlands, but maintained that filing with the Commission would still be required.

Mr. Tarpey stated that further repairs would be necessary in the near future, and assured the Commission that they would be notified in the proper manner prior to any activity.

Mr. Victor Tomyl, resident/abutter to the Assabet River expressed concern regarding the work done stating that he did not think that the nature of the work was actually an emergency, due to the fact that the dam had been leaking for many years. He felt that being a direct abutter to the river and near the dam, that he deserved some type of notification of the project. Mr. Tomyl also stated that now there is an extra board holding the water level higher than before.

Mr. Tarpey responded stating that the dam and water level are set at the same permitted level set by the Federal Energy Regulatory Commission for Dam Safety.

Mr. Tarpey stated that he has annual records that will verify this information.

10:00 Hearing no further comments or questions, Mr. Hill closed the hearing.

Special Request - 163 Pope Road

The Administrator reported that the Commission has been requested to issue a new order of conditions for the house construction at 163 Pope Road. The purpose of this request is that the potential new owner wishes to have his name shown on the paper work as the applicant. Mr. Tidman reported that he has conferred with DEP, which states that this type of request is at the Commission's discretion. The potential new owner of this lot has also inquired about the possibility of not paving the driveway, and surfacing with crushed stone instead.

The Commission expressed no special concerns regarding the use of crushed stone instead of pavement, or with changing the paper work to reflect a different name as the applicant.

Mr. Shanahan moved to reissue the Order of Conditions for DEP file No. 85-382 reflecting the new applicant. Mr. Chalmers seconded the motion. The motion passed unanimously.

10:03 DECISION - NOI - Lot 2 Huckleberry Lane

Mr. Sheehan moved issue an Order of Conditions for Lot 2 (#8) Huckleberry Lane with the additional special condition that an additional 12" corrugated metal pipe shall be installed to connect the existing headwall to the north end of the existing 12" corrugated metal pipe. Mr. Chalmers seconded the motion. The motion passed unanimously.

DETERMINATION OF APPLICABILITY - Prescott Dam - High Street

Ms. Bodner moved to find the work as presented to be within the Commission's jurisdiction, but did not remove, fill, dredge or alter that area. Mr. Shanahan seconded the motion. The motion passed unanimously.

DECISION - NOI - 85-100 Strawberry Hill Road

Mr. Shanahan moved to issue a standard Order of Conditions for the work as presented for the detention basin at 85-100 Strawberry Hill Road. Mr. Chalmers seconded the motion. The motion passed unanimously.

10:18 Mr. Shanahan moved to adjourn the meeting. Mr. Sheehan seconded the motion. The motion passed unanimously.



William M. Hill, Chairman

439

Acton Council on Aging ccc Volunteer & Program Survey

☆☆Please take the time to fill out both sides of this sheet and return to the Center.

The role of the volunteer is crucial in the COA. As we expand our programming and outreach in the community, we will need you to help us ! This survey will help us to plan ur programming, and also help us to know if there are certain programs you might like to work on. This side of the questionnaire allows you to tell us what you would like to do. If you do not have time to volunteer, we hope you will still **fill out the other side** of the questionnaire to help us with programming. Fold the sheet in three, tape shut and mail or bring it back to the COA. **THANKS !!!**

I may be interested in volunteering/participating in one of the following areas:

<input type="checkbox"/> Friendly Visiting	<input type="checkbox"/> Volunteer Committee	<input type="checkbox"/> Men's' Programming
<input type="checkbox"/> Arts & Crafts	<input type="checkbox"/> Thurs. Movie Group	<input type="checkbox"/> Bridge Group
<input type="checkbox"/> Book Group	<input type="checkbox"/> Celebrations Committee	<input type="checkbox"/> Cooking group

Other _____

Name _____ Phone # _____

-----first fold-----

Place
Stamp
Here

The Acton Council on Aging
Town Hall
472 Main Street
Acton, MA 01720

-----second fold-----

Please take the time to fill out this form and either mail it back to the COA, or bring it to the office or the meal site.

THANK YOU

Please Tape Shut if Mailing

**Acton Council on Aging Activities
and Programs Questionnaire**

✓please check if interested!

HEALTH TOPICS

- ☐ **Nutrition:**
- ☐ Healthy Eating
- ☐ Heartwise Cooking
- ☐ Microwave Cooking
- ☐ Weight Control Program
- ☐ **Fitness:**
- ☐ Maintaining Flexibility
- ☐ Yoga for Seniors
- ☐ Walking Group
- ☐ Personal Exercise Program
- ☐ Introduction to Tai Chi
- ☐ **Living with Arthritis**
- ☐ **Women's Health Issues
in Later Life**
- ☐ **Men's Health Issues
in Later Life**
- ☐ **Foot Care - Good Shoes, etc.**
- ☐ **Mental Health Issues:**
- ☐ Keeping Your Spirits Up
- ☐ Forgetfulness
- ☐ Cabin Fever (in winter)
- ☐ Depression
- ☐ **Eye Issues:**
- ☐ Cataract Surgery
- ☐ **Hearing Problems:**
- ☐ Intro. to Lip Reading
- ☐ Do I need a Hearing Aid?
- ☐ **First Aid at Home**
- ☐ **Medications:**
- ☐ Proper Management
- ☐ Side Effects
- ☐ **Health Care Proxies**
- ☐ **Oral Health Issues**
- ☐ **Getting a Better Nights Sleep**
- ☐ **Skin Care**
- ☐ **Diabetes Update**

CLINICS

- ☐ Cholesterol Screening
- ☐ Blood Pressure
- ☐ Podiatry
- ☐ Mammography
- ☐ Eye
- ☐ Hearing
- ☐ Skin Cancer
- ☐ Brown Bag Pharmacy

Other Medical _____

**Fill Out and Return to Us to Help Us
Schedule Our New Senior Center Programs**

ONGOING CLASSES & ACTIVITIES

- ☐ Aerobics
- ☐ Tai Chi
- ☐ Line Dancing
- ☐ Painting
- ☐ Quilting
- ☐ Arts & Crafts
- ☐ Genealogy
- ☐ Great Books/Book Group
- ☐ Opera/Music Appreciation
- ☐ Thursday Movie Afternoon
- ☐ Bridge Group
- ☐ Beginners Bridge Group
- ☐ Indoor/Outdoor Gardening
- ☐ Women's Afternoon Tea
- ☐ Men's Breakfast Group
- ☐ Cooking/Visiting Local Chefs
- ☐ Chess
- ☐ Bingo
- ☐ Investment Club
- ☐ Senior Singing Group
- ☐ Pool
- ☐ Ping Pong

OTHER _____

SPECIAL SPEAKERS & PROGRAMS

- ☐ Legal Issues
- ☐ Guardianship/Conservatorship
- ☐ Financial Issues
- ☐ Tax Issues
- ☐ Insurance, especially Health Insurance
- ☐ Housing Options
- ☐ Safety in the Home
- ☐ Travel
- ☐ Local & State Politics
- ☐ Local History
- ☐ Musical Programs
- ☐ Antiques
- ☐ Collectibles
- ☐ Birds, Bird Feeding

OTHER _____

COMMENTS:

acton senior citizen news

A BULLETIN FROM THE ACTON COUNCIL ON AGING

TELEPHONE 264-9643

Vol. XVIII #2

March 1994

The Acton Council on Aging meets on the second Wed. evening of the month at 7:30 p.m. in the COA Office located in the Senior Center, 50 Audubon Drive, South Acton. All are welcome.

*YOU ARE INVITED
TO ATTEND
THE OPENING OF
THE
NEW ACTON
SENIOR CENTER*

*Sunday
APRIL 10, 1994
2-4 P.M.*

The Council on Aging is very pleased to announce the opening of our new facility off High Street on Audubon Drive. An open house is planned for Sunday, April 10, from 2-4 to introduce the new center. Parking is limited, so we urgently request that you carpool where possible.

The new facility includes offices for the COA, a **small conference room** for clinics and interviews, two large function rooms and a brand new kitchen.

The kitchen and the "**Senior Center Dining Room**" will be the new Minuteman Home Care Senior

Mealsite, lunches will be served Monday through Friday at noon. This room also houses two beautiful new pool tables, donated by the Friends of the Acton Council on Aging. They will be available any time the center is open unless there is a large function being held in the Center.

The "**Senior Center Living Room**" is the second large function room. It is carpeted and filled with comfortable furniture, a piano and lush green plants. There is a larger than life television which will enable us to start a weekly movie-on-tape series on Thursday afternoons. It is here that large meetings can be held, and the COA is planning a weekly Program Series, which will range from medical topics, to fine arts, to armchair travel, to local history and much more. (Please look at and fill out the survey at the end of this newsletter so we may know what programs you would like to see in your new Senior Center.)

April 10th

*** **Meet the COA Staff**
Carol Lake, Director

Barbara Winders,
Administrative Assistant

Ruth Regan,
Friendly Visitor Coordinator
Pamela Hanson,
Program Coordinator

*** **Meet MMHC Meal Site**
Director, Edith Dietrich

*** **Meet COA Board Members**

*** **See the New Senior Center**

SeniorCenter

We are moving all our activities to our new Senior Center on March 1, our open house for all townspeople and guests will be 2-4 p.m. on April 10th.

There are no activity charges except when a course requires individual supplies.

Transportation is available on the COA Van - call 264-9651 mornings. The cost is .10c each way.

TUES. & THURS. - AEROBICS

10:30-11:30 a.m. with Gail Ouellet - low impact senior exercise. **Note: no classes April 12-14 and 19-21.**

WED. - QUILTING - 10-12

noon, a self directed quilting group meets to work on a Friendship Garden quilt and an Autumn Leaves quilt. Interested quilters can join in.

FRI. - T'AI CHI for Beginners

10:30-11:15 a.m. 6 week introductory class. Slow, gentle exercise that is kind to muscles and joints. T'ai Chi is an ancient Chinese art form that promotes good mental and physical health. We will be learning a variation of the Yang Short Form, with a very brief introduction to the types and theories of T'ai Chi. We will also do some guided visualization and meditation. -T'ai Chi also improves balance.

FRI. - INTERMEDIATE T'AI

CHI - 11:15-12:00 noon A continuation of the T'ai Chi Form. This class will operate on a more individual basis, allowing students to progress at their own comfort levels.

Beginning March 1

Minuteman Lunch is served at noon, **Monday-FRIDAY**. Call the preceding morning by 11 a.m. (263-5053) for a meal reservation; there is a \$1.50 asking donation. Everyone is welcome. Actonian Edith Dietrich is the site manager.

CLINICS

BLOOD PRESSURE - TUESDAYS:

March 22 and April 26, 11-12:30 P.M., Conference Room, New Senior Center.

HEARING - THURSDAYS: March 10 and April 14, 10-12 NOON, FRED GERULSKIS, Conference Room, New Senior Center.

BINGOBINGOBINGO

Barbara O'Clair will call Bingo at **12:45 on Monday, March 14th and April 4th.** Bring a white elephant for prize table.

Dot & Brooks Williams will be calling **Thursday, March 28th and April 25th at 12:45**, please bring a paper product for prize table.



Wanted for the Senior Center Kitchen:

We need large stainless steel pots, either spaghetti pot size or lobster pot size (or larger).

UPCOMING EVENTS & TRIPS

BALLET TRIP

The COA is going to **SWAN LAKE!**
Sat., March 12 We have front orchestra seats! We will leave from Donelans at 12:15 p.m. by bus. The cost is \$45.00 for bus and Orchestra seat. This trip is open to everyone, so invite your friends, out-of-towners are welcome. Call the office and sign up early, send your check made out to Friends, Acton COA for \$45.00.

"Crazy for You" at the Schubert, March 24, leaving Donelan's at 12:15 p.m. 1992's Best Musical is "heaven on earth" says the New Yorker. Tony for Best Choreography, too! Toe-tapping, Gershwin songs including many of your favorites! \$42.00

Audubon Watercolors at the MFA, Friday, April 1, Bus leaving Donelans at 9:45 a.m. Come see the original watercolors of American birds by the famous naturalist. The Boston Globe raved about the elegant natural beauty of this collection of seldom seen pictures. \$5.00, pay at bus pickup, check to Friends of Acton COA. You pay for your own museum entrance and lunch in the museum. Friday March 25, 1 p.m. in the Senior Center Living Room, Pam Hanson, COA Program Coordinator will give a short lecture on John James Audubon, his life and his art.

JFK LIBRARY TRIP -

WEDNESDAY, APRIL 6TH - We will be going to the newly redone JFK Library, (admission \$4.00) followed by lunch at the Old Colony House Restaurant. The cost will be \$16 for lunch and bus.

"The Courage to Nurture", Globe Columnist Linda Weltner. WED., April 6, 7 p.m.. Emerson Hospital Thoughts on care for our aging parents and others,

THEATER III Dress Rehearsal - May 1, 1 p.m. "Joseph and the Amazing Technicolor Dreamcoat"

MERRIMACK THEATER - May 11, leaving Donelans at 11:30 a.m. we will be going to the New England Premier of Neil Simon's Jake's Women, lunching beforehand at the Sheraton, soup, salad, entree, dessert and coffee. \$30 for show, lunch and bus.

SENIOR CENTER PROGRAMS

SENIOR CHEF SERIES BEGINS,

Tuesday, March 8, 12:45 p.m. in the Senior Center Dining Room.
Ed Lemire, former Marriot Master Chef
Chef Lemire will show you how to roast the most delicious, fat free chicken ever!

THURSDAY MOVIE SERIES - 1 P.M.

March 11 - "Dave" (a capitol comedy)

March 24 - "Sleepless in Seattle"

Come and see these two light-hearted film on our new super size TV. Soft, comfortable chairs in the Senior Center Living Room.

ST. PATRICK'S DAY LUNCH

Wednesday, March 16, 12 noon. Special traditional Irish music will be provided. The cost of the lunch will be \$1.50. Call the Office to sign up.

What's New in Nutrition, Peg Mikkola, Minuteman Home Care Dietitian - Tuesday, March 22, 11 a.m. to 1 p.m. Peg will also answer your questions on Nutrition.

John J. Audubon's Art, Pam Hanson, Friday, March 25, 1 p.m. Learn about the famous American ornithologist and Artist whose paintings are now at the MFA.

BlueCross Blue Shield Medex Consultant, Richard Hoover, March 29, 1:30 p.m., Senior Center Living Room. Mr. Hoover will give updates on Medicare and Medigap, benefits and options for seniors under BCBS options. Bring your questions.

Easter Lunch - Wed. March 30. at noon, Seniors Playing for Seniors - Larry Zuk and his band will be performing for us. \$1.50 donation.

FOR YOUR INFORMATION

The COA is printing the following information to provide you with vital information you may need in the future. There will inevitably be changes in the laws, but the most recent information is detailed here. The following is prepared by the Senior Citizens' Law Project.

Important MEDICAID Information for Married Couples Facing the Need for Nursing Home Care

Because most people cannot afford to pay the high cost of nursing home care, the primary payer of such care is usually Medicaid. Medicaid is the medical assistance program administered by the Division of Medical Assistance (DMA) for financially eligible persons who are over age 65 or disabled.

It used to be that the law required almost all the assets belonging to married couples to be spent before one of the spouses could be eligible for Medicaid assistance to pay for nursing home care. This meant that the spouse who remained in the community was left without resources to take care of his or her own basic needs. In 1988 Congress passed a law to protect the healthy spouses of nursing home residents from losing all their resources for the payment of institutional care.

Unfortunately, many married couples who face the need for nursing home care today remain unaware of the protection available to the community spouse. The 1988 law provides the community spouse with two allowances. The first is called the "community spouse resource allowance" which allows the community spouse to keep a certain amount of assets. The second is called a "monthly maintenance needs allowance" and allows a certain amount of income to be kept. In order to access these potential allowances one must request that the DMA do a spousal needs assessment. This request can be made when applying for Medicaid or upon admission of the spouse to the nursing home. It is usually preferable to make the request upon admission because requesting the assessment at this earlier date enables the couple to plan ahead and to produce financial records more easily.

The community spouse resource allowance is calculated by adding all the assets of the two spouses and dividing the total in half. This half is the amount the healthy spouse is allowed to keep as long as it does not exceed a certain amount. In 1994, that amount is \$72,660. If the total before dividing is \$29,064

or less, the allowance is always \$14,532. These maximum and minimum amounts are set by the state and are increased every year. Either spouse can request a fair hearing to dispute the accuracy of the calculation the DPW makes. In addition, the community spouse could keep all of the assets if it can be shown, at a hearing, that the income derived would increase the community spouse's monthly income to the minimum monthly maintenance needs allowance (discussed below).

The monthly maintenance needs allowance is calculated by considering the monthly income of the community spouse and his or her housing costs. If it is determined that the community spouse's income, after housing costs, is below \$1179, he or she is entitled to receive some of the institutionalized spouse's income, which otherwise would have had to be spent for the cost of care in the nursing home. In addition, a fair hearing can be requested to ask for an increase in the resource allowance if such an increase would generate income that would help the community spouse to meet the amount set for the monthly maintenance needs allowance. Further, the community spouse may request a fair hearing to have the monthly maintenance needs allowance increased if he or she is undergoing hardship.

It is important for married couples to understand their right to a spousal need assessment and to know that they can request a fair hearing to dispute the accuracy of the assessment or to attempt to retain more assets. If you or your spouse believe that you are not or have not received a proper spousal benefit or have otherwise been denied this benefit, please call the Senior Citizens' Law Project.

★ ★ ★

Medicaid Spousal Assessment

Medicaid is the popular name for Medical Assistance, a program in which the federal government and the government of Massachusetts share the cost of making medical services available to people with few assets and low income. One of the services Medicaid covers is long term care in a medical facility, such as a nursing home. To qualify for Medicaid coverage of long term care there are a number of eligibility standards which a person must meet. One of these is a asset standard.

In order to qualify for Medicaid, an individual can have not more than \$2000 of countable assets. Some assets, such as the home you live in, your car, your household

belongings, and personal belongings such as jewelry and books, are non-countable assets. This means they are not counted in determining whether you meet the asset standard.

If your spouse has entered a long term care facility, the Medicaid program allows you to divide your combined assets before determining whether your spouse meets the asset standard. The property division takes into account all of your combined countable assets, regardless of whose name they are in.

The spousal assessment is a procedure used to determine how much of the combined property belongs to the spouse at home. This share is called the Community Spouse's Resource Allowance (CSRA). Here is how to determine your CSRA:

1. Determine the value of your combined countable assets, then divide that amount in half;

2. If the result is more than \$72,660 you can keep only \$72,660, and your spouse keeps the remaining assets;

3. If the result is \$14,532 or less, you keep all of that as your CSRA;

4. If the result is between \$14,532 and \$72,660 you keep that amount. You are entitled to keep half of your combined assets up to a maximum of \$72,660.

When one spouse goes into a long term care facility, and is expected to stay for at least 30 days, either spouse can ask the Medicaid Long Term Care Unit to make a spousal assessment. After your CSRA has been calculated, this amount is always excluded from the institutionalized spouse's countable assets. Only remaining assets are used to determine whether the asset standard is met.

Here are some examples of how the spousal assessment works:

If your spouse goes into a nursing home and wishes to apply for Medicaid, either of you may request that Medicaid perform a spousal assessment. If you and your spouse have \$16,00 of countable assets, your CSRA is \$14,532. This is so because you are allowed to keep the first \$14,532 of your combined assets. Your spouse's remaining assets total \$1468. Since this amount is less than the \$200 standard, your spouse has met the asset requirement.

If you and your spouse have \$30,000 in countable assets, your CSRA is \$15,000. This is so because you are allowed to keep half of your combined countable assets. Your spouse's remaining assets total \$15,000. He or she will qualify for Medicaid coverage only when his or her countable assets reach \$2,000 or less.

A person who meets certain eligibility requirements is entitled to receive an increased CSRA. Here is how to determine whether you may be eligible:

1. Determine the amount of your monthly income. This includes any income you receive from a pension or in government benefits;

2. Find the amount of your CSRA listed in the Medicaid "Notice of Available Assistance." You will need to determine how much interest you earn on your CSRA per month. To determine this, you multiply the amount of your CSRA by the yearly interest rate your bank pays on the type of account you hold. Divide the result you obtain by 12 to get the monthly interest you earn on your CSRA;

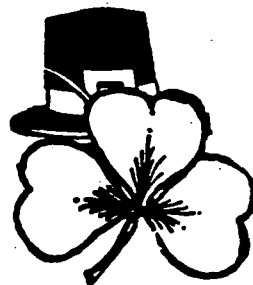
3. Add the amount of your monthly income (the result obtained in step 1) to the amount of the monthly interest generated by your CSRA (the result obtained in step 2);

4. Find the amount of your Minimum Monthly Maintenance Needs Allowance (MMMNA) listed in the "Notice of Available Assistance." If your MMMNA is higher than the total from step 3 above, you are entitled to an increased CSRA.

In order to receive any increase you may be entitled to, you must first request a hearing with the Hearing Division to establish that you meet the eligibility requirements described above.

If you think the Medicaid program made a mistake in calculating your CSRA, you are entitled to request a hearing with the Division of Hearings. You may also request a hearing if you think you qualify for an increase in your CSRA. The Senior Citizens' Law Project may be able to represent you in an appeal of an erroneous decision of the DPW. Our services are free to eligible seniors, please call the number listed below for more information. In certain cases home visits may be possible. Referrals can be made to local private attorneys for some routine procedures.

Prepared by the Senior Citizens' Law Project of Cambridge and Somerville Legal Services, 27 Maple Street, Arlington, MA 02174
Phone (617) 646-1800, Ext. 4720



MEDEX OPEN ENROLLMENT

March 31 is the deadline for signing up for Medex senior health plans of BlueCross BlueShield Medigap. If you sign up during open enrollment and your membership will be effective on July 1, 1994; you may enroll regardless of your medical history. To be eligible you must have Medicare A and B, be a resident of Massachusetts, not eligible for Medicaid or employer group coverage, or have another health policy which Medex would duplicate. (Please note that if you did not enroll in Medex when you first became eligible, there may be a surcharge. Call for more details.)

BlueCross BlueShield of Massachusetts offers other options, including HMO Blue for Seniors. Call 1-800-258-2226 for more information. They will send you an application and information on the Senior Plan options. Just make sure your application is received by March 31, 1994. Applications will be acknowledged by return postcard.

Richard Hoover from BlueCross BlueShield of Massachusetts will be holding an informational update and briefing for senior citizens at 12:30 p.m. on March 29th in the Senior Center Living Room, everyone is invited. He can cover topics ranging from recent changes in Medicare and Medigap Insurance, Mail Order Prescription Drugs, Qualified Medicare Beneficiary Benefits, Basic Benefits, and much more.

COMMUNITY NOTES & NEWS

SHARE - SHARE (Self-Help and Resource Exchange) offers a monthly food package worth between \$30-35 for \$13 cash or food stamps. One is also asked to perform two hours a month of community service. The service is on your honor and is considered as aiding anyone or group/organization outside of your immediate family.

The food package consists of meat, vegetables, fruit and some staples. If you would like to see SHARE in action and see the food quality, the March distribution date is Sat., March 26, 9-10:30 a.m. from the Rectory at St. Elizabeth's Church. You are welcome to observe. Sign-ups for April can be made there also.

TAX AID

The COA has two tax consultants who are available to help you with your taxes. Please call the office and an appointment or a home visit will be arranged. .

DIP 'n DUNK

Community Education is offering a new **water exercise class** geared toward senior citizens. Each class will include low impact muscle conditioning to increase strength and endurance, stretching to increase flexibility, and aerobic moves for cardiovascular improvement. Classes will be Monday and Wednesday, 6-6:45 p.m. in the high school pool, beginning April 11. There will be 15 classes at a cost of \$22.50 for Seniors. Register through Community Education, 266-2525.

SELL, BARTER, SWAP

For Sale: Four bowling balls and bag, very slightly used. \$47 firm, call 263-8337.

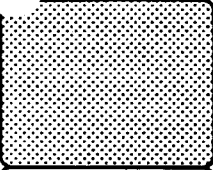
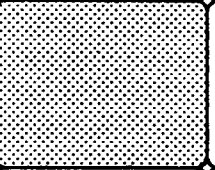







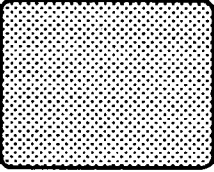
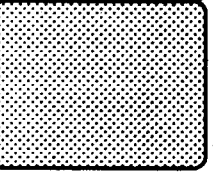
EMPLOYMENT OPPORTUNITIES

☆Concord Stop & Shop is currently seeking people to fill part-time positions. These positions can offer the opportunity to earn a little extra money through working in a fast paced, consumer oriented environment. Please apply at the store - John McNeil, Store Manager, 369-5824.

☆Gold's Gym in West Concord is looking for Baby-sitters - Exchange 4 hours a week (Two 2 hour stints of baby sitting) for free membership and use of the facilities at Gold's. Call Wendy Sweet at 369-8822 for more information.

☆Babysitter Wanted. Approximately 9 hours/week, in mornings, for newborn and occasionally a 2 1/2 year old. Transportation can be provided. Non-smoker. Please call Elaine 264-0144.

March 1994

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		Aerobics 10:30-11:30 pm 1	Quilting 10-12 2	Aerobics 10:30-11:30 pm 3	T'ai Chi - Beg. 10:30-11:15 Intermed. 11:15-noon 4	5
 6	7	Aerobics 10:30-11:30 Chef Series 12:45 8	Quilting 10-12 9	Aerobics 10:30 Hearing 10-12  Movie 1 pm 10	T'ai Chi - Beg. 10:30-11:15 Intermed. 11:15-noon 11	Swan Lake 12:15 12
13	Bingo 12:45 14	Aerobics 10:30-11:30 pm 15	Quilting 10-12 St. Pat's Lunch 12 Noon  16	Aerobics 10:30-11:30 pm  17	T'ai Chi - Beg. 10:30-11:15 Intermed. 11:15-noon 18	19
20	21	Aerobics 10:30 Blood Pres. 11 Nutrition 11-1 22	Quilting 10-12 March Birthday Lunch  23	Aerobics 10:30 Theater 12:15  Movie 1 pm 24	T'ai Chi - (1) 10:30 (2) 11:15 Audubon 1 25	Share 9-10:30 am 26
 27	Bingo 12:45 28	Aerobics 10:30 Medicare 1:30 29	Quilting 10-12 Easter Lunch 12 Seniors Playing for Seniors 30	Aerobics 10:30-11:30 pm 31		

ACTON COA 264-9643

❀ A Sincere "Thank You" ❀

In 1975 the congregation of the West Acton Baptist Church offered space in their building to the Acton Council on Aging for senior activities. This invitation was gratefully accepted. Now as we bid farewell to our friends at the church and move on to our new home on Audubon Drive we give a sincere and most appreciative thank you to the staff and the congregation at West Acton Baptist. You have been supportive, patient, and kind. We will miss you.

MEAL SITE 263-5053

Where to Call

To report or get more information on elder abuse, call either of the two hotlines operated by the state Executive Office of Elder Affairs:
1-800-922-2275 (24 hrs/day)
1-800-882-2003 (9 am to 5 pm.)

If you feel you may need help taking care of yourself, ask for the Elder-at-Risk program through either hotline.

To find out which home care agency serves your area, call 1-800-AGE-INFO (243-4636).

FREE CONCERT
Saturday, June 25, 1994 - 2 p.m. - 4 p.m.
at the Performing Arts Center
51 Walden Street, Concord

Reservations by April 15, 1994 - First Come, First Serve
Call Tom Ruggles (369-5879) or MUSE office (617) 969-6873

A Musical Extravaganza for Area Seniors
"SENIOR SUNSHINE"

**Including: The New England Close Harmony Ensemble, The New
Bostonians, Strings 'N Things, The Dixie Demons and Paul Wiggen, M.C.**

**30 minute intermission with refreshments, adequate parking, wheelchair
friendly, all on one level, families welcome. Seating is limited, call soon.**

***The printing and mailing cost of this newsletter was provided by the Friends of
the Acton Council on Aging.***

Friends of the Acton Council on Aging, Inc.
P.O. Box 2006
Acton MA 01720

Address Correction Requested

Non-profit Bulk Rate
U.S. Postage Rate
Permit # 49
ACTON MA 01720

TOWN OF ACTON
INTERDEPARTMENTAL COMMUNICATION
TOWN MANAGER'S OFFICE

DATE: March 4, 1994

TO: Board of Selectmen

FROM: Don P. Johnson, Town Manager

SUBJECT: NOTES REGARDING VARIOUS ARTICLES

Article 7 NESWC Stabilization Fund:

As we progress in our negotiations with NESWC regarding the invoice for the NESWC Stabilization Fund Liability that we have been anticipating, it appears that we may not need the proposed Warrant Article after all. We carry a sum within the NESWC Enterprise budget for replenishment of the Stabilization Fund and, owing to the success of our negotiations to date, along with favorable changes in the way this account is now computed, we believe we will be able to accomodate repayment of this deficit within the operational budget.

I am anxious to have John Murray review the work that has gone into this conclusion before committing totally. John will be returning next week prior to delivery of the Warrant to the printer. With the Board's permission, I am seeking approval to remove this article if we are able to confirm our conclusions prior to going to print.

Article 19 Blanchard Auditorium Chimney Repair:

There are compelling reasons to go ahead with this work during the current fiscal year. Bill Ryan and I will address

this with the Municipal Forum on Monday and probably propose that the work be funded from the Reserve Fund. I have spoken with Charles Olmstead and I believe he agrees. If there is consensus, and the Fincom agrees, I would propose to remove this article before we go to the printer.

Article 34 Affordable Housing - Adams Street

We have included the draft language from the ACHC in this draft of the Warrant. Town Counsel is still reviewing and will have any final changes or corrections on Monday.

Article 55 Charter Change - Associate Members for Planning Board

We have made a first pass at making the article language more generic to allow the Board negotiating room with respect to the size of the Planning Board. Counsel is reviewing this wording and will be advising further next week.

Charts and Tables:

There are several customary charts and tables that are not yet completed. These will be added to the warrant before printing.

cc: Roy Wetherby
Marcella Sultan

A handwritten signature in dark ink, appearing to be 'W. Wetherby', is located to the right of the distribution list.

1994 ANNUAL TOWN MEETING WARRANT ARTICLE INDEX

<u>ARTICLE</u>	<u>ARTICLE TITLE</u>	<u>PAGE</u>
Article 1	Choose Town Officers	
Article 2	Hear and Accept Reports	
Article 3*	Council on Aging Van Enterprise Budget	
Article 4*	Nursing Enterprise Budget	
Article 5*	Septage Disposal Enterprise Budget	
Article 6*	NESWC Enterprise Budget	
Article 7*	NESWC Stabilization Fund	
Article 8*	Merriam School Enterprise Budget	
Article 9	Budget Transfer	
Article 10	Minuteman Regional School, Ed Reform FY94 Levy	
Article 11	Acton Boxborough Region School, Ed Reform FY94 Levy	
Article 12	Acton Public School, Ed Reform FY94 Levy	
Article 13	Town Operating Budget	
Article 14	Fire Department Command Vehicle, 4WD Supplement	
Article 15	Construct Impact Fee Formula	
Article 16	Municipal Stabilization Fund	
Article 17	Fire Department Ladder Truck Replacement	
Article 18	Highway Department Pavement Program	
Article 19	Blanchard Auditorium Chimney Repair	
Article 20	Capital Expenditures - Public Safety	
Article 21	Bridge Repairs and Replacements	
Article 22	Capital Improvements - Building Renovations	
Article 23	Capital Improvements - Departmental Vehicles	
Article 24	Capital Improvements - Traffic Signal	
Article 25	Capital Improvements - Engineering Studies	
Article 26	Capital Improvements - Ice House Pond	
Article 27	Minuteman Regional School Assessment	
Article 28	Acton Boxborough Regional School Assessment	
Article 29	Acton Public School Budget	
Article 30*	Section 53E 1/2 Self Funding Programs	
Article 31#	West Acton Citizen's Library	
Article 32*	Emergency/Disaster Aid Appropriations	
Article 33	Use of Funds to Reduce the Tax Rate	

Article 34	Affordable Housing - Adams Street
Article 35*	Cemetery Land Fund Transfer
Article 36*	Chapter 90 Highway Reimbursement Program
Article 37*	Acceptance of Gifts of Land
Article 38*	Acceptance of Gift of Land and Related Easements - Hearthstone Farm Subdivision
Article 39*	Street Acceptances
Article 40*	Charter Road Sidewalk Easements
Article 41*	Main Street Easement
Article 42	West Acton village (WAV) General Business (GB) and Limited Business (LB) Districts in West Acton
Article 43	Village Residential District in West Acton
Article 44	Parking in Village Districts
Article 45	Site Plan Special Permit in Village Districts
Article 46*	Tract of Land Required for Certain Developments
Article 47*	Maximum Limits for Residential Component in Planned Unit Developments
Article 48*	Corrections, Clarifications and Minor Adjustments to the Zoning Bylaw
Article 49*	Accommodation of Handicapped and Van Accessible Parking
Article 50*	Change Special Permit Requirement for Common Drives
Article 51*	Eliminate Special Permit Requirements for Certain Accessory Uses
Article 52*	Eliminate Prohibition Against and Special Permit Requiremen for Tertiary Wastewater Treatment Facilities
Article 53*	Elimination of Special Permit Requirements for Certain Dimensional Provisions
Article 54	Associate Members for Planning Board When Acting as Special Permit Granting Authority
Article 55	Charter Change - Associate Members for Planning Board when Acting as Special Permit Granting Authority
Article 56#	Petition to Change Zoning of Land in Acton
Article 57	Public Use of Land by Town or Agency Other than the Town of Acton and the Water Supply District of Acton
Article 58*	Accept MGL Chapter 140, Section 147A, Dog Fund
Article 59*	Amend Town Bylaws - Chapter E, Dog Licenses
Article 60	Amend Local Historic District Bylaw
Article 61*	Remove Police Chief Position from Civil Service
Article 62#	Formation of Municipal Power Organization
Article 63	School Teachers' Early Retirement

*Consent

#Inserted by Citizen Petition

MARCH 4, 1994 6:35 PM

AS OF 3/4/94 6:00 PM(507)

ARTICLE 1 CHOOSE TOWN OFFICERS

To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

Moderator	\$20.00 per Town Meeting session
Board of Selectmen	Chairman \$750.00
	Clerk \$650.00
	Member \$650.00

or take any other action relative thereto.

SUMMARY

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund, Trustees of the Citizen's Library Association of West Acton, and establishes the salaries of the Town's elected officials.

- (S) Recommended
- (F) No Recommendation

ARTICLE 2 HEAR AND ACCEPT REPORTS
(Majority Vote Required)

To see if the Town will accept reports, and to hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

SUMMARY

This article provides for the acceptance of the Annual Town Report and any other reports which Town Boards and Committees may need to offer as well as acceptance if any, of reports of committees chosen at any previous Town Meeting.

- (S) Recommended
- (F) No Recommendation

ARTICLE 3* COUNCIL ON AGING VAN ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, including Enterprise Funds, the sum of \$, or any other sum, to operate the Senior Van Service, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the elder van service enterprise fund. This 40 hour a week elder van service is funded by the Federal Government, State Government and Local Government. Fifty percent of the service is paid by federal funds, twenty-five percent

of the service is paid by the Commonwealth, and the final twenty-five percent is absorbed by the Town of Acton. Fare revenues will be used to reduce the total service cost.

Direct inquiries to: Carol Lake, Director, Council on Aging, 264-9643
Selectman Assigned: Nancy Tavernier

(S) Recommended
(F) Recommendation Deferred

ARTICLE 4* NURSING ENTERPRISE BUDGET (Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, including Enterprise Funds, the sum of \$, or any other sum, to provide Public Health Nursing Services, or take any other action relative thereto.

SUMMARY

This article requests an appropriation for the Nursing Services Enterprise Fund. An enterprise fund permits the Nursing Service to offset its costs with fees for service. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. In addition to the normal operating costs of this service, the budget includes replacement of an automobile which is used for home visits by the nursing staff. This vehicle replacement will be funded from fees previously collected.

Direct inquiries to: Doug Halley, Dir. Public Health - 264-9634
Selectman Assigned: William Mullin

(S) Recommended
(F) Recommendation Deferred

ARTICLE 5* SEPTAGE DISPOSAL ENTERPRISE BUDGET (Majority Vote Required)

To see if the Town will vote to raise and appropriate or appropriate from available funds, including Enterprise Funds, the sum of \$, or any other sum, for the purpose of septage disposal, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, sewer treatment plant permit fees, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to the Upper Blackstone Water Pollution Abatement Facility and to maintain the Town of Acton septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. In addition to the normal operating costs of this service, the budget includes purchase of a computer and microfiche equipment to maintain the files for this service and replacement of two (2) inspectional vehicles that are used by Health Department personnel in their duties related to the provision of this service. All of this equipment will be funded from fees collected.

Direct inquiries to: Doug Halley, Dir. Public Health - 264-9634
Selectman Assigned: Anne Fanton

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 6* NESWC ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, including Enterprise Funds, the sum of \$, or any other sum, for the purpose of solid waste disposal, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from the transfer station be used for the purpose of maintaining the trash disposal operation. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid waste disposal. In addition to the normal operating costs of this service, the budget includes replacement of a ten (10) Wheel Tractor that is used to haul trash from our transfer station to the NESWC facility in North Andover. Replacement of this truck will be funded from fees previously collected.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: Nancy Tavernier

- (S) Recommended
- (F) Recommendation Deferred

ARTICLE 7* NESWC STABILIZATION FUND

To see if the Town will raise and appropriate or appropriate from available funds, including Enterprise Funds, the sum of \$, or any other sum, for the purpose of replenishing the NESWC Stabilization Fund, said sum to be transferred from the NESWC Fund Balance, or take any other action relative thereto.

SUMMARY

Direct inquiries to:
Selectman Assigned:

- (S)
- (F)

ARTICLE 8* MERRIAM SCHOOL ENTERPRISE BUDGET
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, including Enterprise Funds, the sum of \$73,709.00, or any other sum, for the purpose of maintaining the Merriam School, or take any other action relative thereto.

SUMMARY

This article requests that the receipts from the rental of the Merriam School be used for the purpose of maintaining the building. The proposed budget for FY'94 will be entirely offset by rents.

Direct inquiries to: William Ryan, School Dept. - 264-4700
Selectman Assigned: Norman Lake

(S) Recommendation Deferred
(F) Recommendation Deferred

ARTICLE 9 BUDGET TRANSFER
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, an amount of money to be used in conjunction with funds appropriated under current fiscal year's budgets to be used during the current fiscal year, or make any other adjustments to the current fiscal year budget and appropriations that may be necessary, or take any other action relative thereto.

SUMMARY

The intent of this article is to allow Town Meeting to transfer funds and supplement monies to cover needed expenses in the current fiscal year.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: Norman Lake

(S) Recommended
(F) Recommendation Deferred

ARTICLE 10 MINUTEMAN REGIONAL SCHOOL, ED REFORM FY94 LEVY
(Majority Vote Required)

To see if the Town will raise and appropriate, or transfer from available funds, a sum of money to be paid to the Minuteman Regional School District in fiscal year 1994 in order to meet the Town's obligations under the 1993 Education Reform Act, or take any other action relative thereto.

SUMMARY

This additional FY94 appropriation is required under the provisions of the Education Reform Law. For additional information please see the comments in the "Board of Selectmen Message" printed in the front of the warrant. .

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned:

(S) Recommended
(F)

ARTICLE 11 ACTON BOXBOROUGH REGIONAL SCHOOL, ED REFORM FY94 LEVY
(Majority Vote Required)

To see if the Town will raise and appropriate, or transfer from available funds, \$31,422.00, to be paid to the Acton-Boxborough Regional School District in fiscal year 1994 in order to meet the Town's obligations under the 1993 Education Reform Act, or take any other action relative thereto.

SUMMARY

This additional FY94 appropriation is required under the provisions of the Education Reform Law. For additional information please see the comments in the "Board of Selectmen Message" printed in the front of the warrant. .

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned:

(S) Recommended
(F)

ARTICLE 12 ACTON PUBLIC SCHOOL, ED REFORM FY94 LEVY
(Majority Vote Required)

To see if the Town will raise and appropriate, or transfer from available funds, \$48,562.00, for the fiscal year 1994 Local School department budget in order to meet the Town's obligations under the 1993 Education Reform Act, or take any other action relative thereto.

SUMMARY

This additional FY94 appropriation is required under the provisions of the Education Reform Law. For additional information please see the comments in the "Board of Selectmen Message" printed in the front of the warrant. .

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned:

(S) Recommended
(F)

ARTICLE 13 TOWN OPERATING BUDGET
(Majority Vote Required)

To see what sums of money the Town will raise and appropriate, or appropriate from available funds, to defray the necessary expenses of the several departments, offices and boards of the Town, exclusive of the necessary expenses relative to the schools, or take any other action relative thereto.

SUMMARY

This article requests funds for the Fiscal Year 1995 (July 1, 1994-June 30, 1995) Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements, property and liability insurance on school buildings and contents, and pension costs for school employees, other than teachers and Regional School employees. The standard motion for the Municipal Budget appropriation under this article includes the transfer of funds from the following special funds: Cemetery Trust Funds, County Dog Fund, and Wetland Filing Fees.

Direct inquiries to: Don P. Johnson, Town Manager - 264-9612
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F)

ARTICLE 14 FIRE DEPARTMENT COMMAND VEHICLE - 4WD SUPPLEMENT
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$15,000.00, or any other sum, to be expended by the Town Manager to purchase and equip a Command Vehicle for the Fire Department, or take any other action relative thereto.

SUMMARY

The above request would provide additional funding to allow for the purchase and equipping of an all-wheel drive enclosed Command Vehicle such as a Ford Explorer, Ford Bronco, Chevrolet Blazer or Chevrolet Suburban. This type of vehicle has been requested previously. Due to the override failure and subsequent funding of only a B-Budget in FY 1994, a reduced appropriation was approved which only provide enough funding to purchase a standard 2-wheel drive cruiser-type vehicle. Due to extenuating financial and purchasing uncertainties last fall, such a vehicle was unable to be purchased. Therefore, this additional funding has been requested to restore adequate funding to purchase an all-wheel drive enclosed vehicle. This unit would provide greater durability, off-road capabilities, and superior performance under adverse climatic conditions such as heavy snow storms, ice conditions, etc.

Direct inquires to: Chief Craig, 264-9645
Selectman Assigned: Norman Lake

(S) Recommended
(F)

ARTICLE 15 CONSTRUCT IMPACT FEE FORMULA
(Majority Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$10,000.00, or any other sum, to be expended by the Town Manager for the purpose of developing and drafting an Impact Fee Bylaw, including any legal and planning consultant fees and other costs related thereto, or take any other action relative thereto.

SUMMARY

Impact fees are fees assessed by the Town to new development for public infrastructure improvements necessitated by such new development. In order to raise impact fees, the Town must identify improvements necessary to accommodate projected growth and development, and adopt an impact fee bylaw which assesses the costs for the improvements in a fair and rational manner. In the Master Plan, completed in 1991, the Town has largely identified the required new infrastructure, worth millions of dollars, to accommodate projected development. It is also recommended in the Master Plan to adopt impact fees as appropriate and where possible. The conceptual approach and detailed language of the impact fee bylaw must stand on sound legal footing to withstand any challenges. This article will provide the funds to engage experienced legal and planning professionals to help the town in the development of an impact bylaw. Uniform state wide impact fee legislation has been a legislative priority for planners and regional planning agencies for several years. But no proposal has ever come

to a vote in either the Senate or the House. The Metropolitan Area Planning Council reports that at least four of its 101 member communities (Acton is a member community) have adopted some form of impact fee bylaws or ordinances: Framingham, Medford (by Home Rule Petition), Peabody, and Waltham.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Anne Fanton

(S) Recommended
(F)

ARTICLE 16 MUNICIPAL STABILIZATION FUND (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money for a stabilization fund for the Town, or take any other action relative thereto.

SUMMARY

The purpose of this article is to allow appropriation of a sum or sums of money to a fund that will be set aside and used for repayment of borrowing costs in connection with the bonding proposed under articles through below. Most of the borrowing costs will be offset by debt that will be retired after FY96; however, debt retired in FY96 will be insufficient to cover the full costs for that year. The Selectmen propose this fund to allow any excess or additional revenues that may be identified to be set aside and reserved to handle this anticipated shortfall in FY96, without creating adverse impacts on other services.

Direct inquiries to: Don Johnson, Town Manager - 264-9612
Selectman Assigned:

(S) Recommended
(F)

ARTICLE 17 FIRE DEPARTMENT LADDER TRUCK REPLACEMENT (2/3 Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow, the sum of \$450,000, or any other sum, to be expended by the Town Manager to purchase and equip an Aerial Ladder Truck for the Fire Department, or take any other action relative thereto.

SUMMARY

The above request would purchase and equip an Aerial Ladder Truck. Currently the Town is leasing a demonstrator ladder truck on an emergency basis to take the place of a 1965 ladder truck which was placed out of service last fall due to major structural problems with the aerial ladder. Replacement of the ladder truck has been requested for the past several years due to increased age, mechanical problems, deterioration and decreased safety and reliability. This appropriation would authorize the purchase of the present leased unit providing a substantial cost savings to the Town for this vital piece of fire apparatus.

Direct inquiries to: Chief Craig, 264-9645
Selectman Assigned: Norman Lake

(S) Recommended
(F)

ARTICLE 18 HIGHWAY DEPARTMENT PAVEMENT PROGRAM
(2/3 Vote Required)

To see if the Town will vote to raise and appropriate, or appropriate from available funds, or borrow, the sum of \$331,800.00 or any other sum, to be expended by the Town Manager for the Pavement Program.

SUMMARY

The Paving Program was cut out of the Highway Budget about three years ago. This money would restore some of the program that was cut. These funds are also used to repair catch basins and manholes and to grind road surfaces to grade in preparation for paving. At this time there are no Chapter 90 funds available from the State.

Direct inquiries to: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned: Norman Lake

(S) Recommended
(F)

ARTICLE 19 BLANCHARD AUDITORIUM CHIMNEY REPAIR
(2/3 Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds, or borrow, the sum of \$25,000.00, or any other sum, for the repair of the chimney at the Blanchard Auditorium, including any engineering fees and other costs incidental thereto and determine whether such appropriation shall be raised by borrowing or otherwise, or take any other action thereto.

SUMMARY

This article requests funds for the repair of the Blanchard Auditorium chimney. The chimney, built in 1954, is in good condition except for the top twenty feet where heavy deterioration is evident. Based on the results of the preliminary structure and mechanical analysis the school system is in the process of requesting bids for the repair of the chimney.

Direct inquiries to: Don P. Johnson, Town Manager 264-9612
Selectman Assigned: Nancy Tavernier

(S) Recommended
(F)

ARTICLE 20 CAPITAL EXPENDITURES - PUBLIC SAFETY
(2/3 Vote Required)

To see if the Town will vote to raise and appropriate or appropriate, from available funds or borrow for the various purposes listed below:

	<u>Estimated Cost</u>
A. Police E-911 Dispatch Center	\$60,000.00
B. Mobil Data Terminals	\$32,000.00

or take any other action relative thereto.

SUMMARIES

A. Police E-911 Dispatch Center:

These funds are needed to purchase and install an updated console in the police dispatch center in order to accommodate the new Enhanced 911 dispatch terminals and consolidate the other computer systems and monitoring equipment already in place. The police department dispatch center is using a console and related equipment that were purchased about 20 years ago. The electronic equipment that has been added over the years has outgrown the space allotted to it and the placement is no longer efficient for the operation in general. The current equipment is placed in available space around the dispatch area and does not allow for constant view of cell check monitors or alarm monitoring functions. Communication capabilities with other town agencies are not effective and need to be upgraded.

It is expected that the E-911 program will be installed throughout the state within the fiscal 95 year. The new console would allow space for two dispatch positions with all equipment directly in front of the dispatcher. Radio, alarm monitoring equipment, and other electronic equipment purchased would also be upgraded and consolidated into the console. The immediate benefit will be that the dispatchers will have direct access to all systems and will be able to communicate via radio with other services, both within the town and with outside police departments. Other long term benefits include the ability to improve the emergency management capabilities of the department and better communications in the event of a large scale disaster. The second answering position will enable us to put a second dispatcher at the console for handling big emergency situations or special events which require more manpower in the dispatch area. The new console equipment will still be useful should the town decide to consolidate public safety dispatch services at some point in the future.

Direct inquiries: Lt. Frank Widmayer - 264-9638
Selectman Assigned: Norman Lake

B. Mobil Data Terminals:

These funds are needed to purchase and install terminals in eight police vehicles. These terminals were developed by a local company with our cooperation as a beta-test site. They are now being actively used by 13 police departments in Massachusetts and several other states. Two of these terminals have been in use in Acton and have proven to be effective tools for use primarily in traffic enforcement. Many departments have found that after installing these MDT's that there is a significant increase in the ability to detect unregistered and uninsured vehicles and operators with suspended or revoked licenses. One of the goals for traffic enforcement is to remove these vehicles and/or operators from the road and therefore increase safety for the citizens, lessen insurance claims, and to decrease the number of hit & run accidents by operators who do not wish to be identified after an accident.

The terminals allow access via secure radio communications directly from the Department of Public Safety and the Registry of Motor Vehicles to a police cruiser on patrol. There is also access to our dispatch operations and our in-house VAX Computer System. Some of the other benefits will be the ability to use voiceless dispatching to ensure confidentiality for police communications and to ensure the privacy of the citizens who require a police response to their homes. Secure communications add to officer safety by allowing officers to retain the element of surprise when responding to calls. Soon officers will be able to type their required reports while in the patrol vehicle and transmit it directly to the station via radio link. That will keep the officers on patrol a greater percentage of their time resulting in a more efficient use of police resources.

Direct inquiries to: Lt. Frank Widmayer at 264-9638.
Selectman Assigned: Nancy Tavernier

(S) Recommended
(F)

ARTICLE 21 BRIDGE REPAIRS AND REPLACEMENTS (2/3 Vote Required)

To see if the Town will vote to raise and appropriate or appropriate, from available funds, or borrow for the various purposes listed below:

	<u>Estimated Cost</u>
A. Concord Road Bridge Over Nashoba Brook	40,000.00
B. Wetherbee Street Bridge Over Nashoba Brook	20,000.00

or take any other action relative thereto.

SUMMARIES

A. Concord Road Bridge:

The Concord Road Bridge over Nashoba Brook is currently posted for 6 tons. Two of the granite slabs supporting the deck are broken and the bridge deck is in constant need of repair. Previous budgets have funded the design of a replacement bridge and the purchase of precast concrete culvert sections. The design of the new bridge includes a modes widening of the roadway over the bridge and the addition of a sidewalk. The granite blocks and slabs from the old bridge will be used for wing-walls and slope stabilization. This appropriation will fund construction which is tentatively scheduled for this year, either late Summer or early Fall as weather conditions permit.

B. Wetherbee Street Bridge:

This augments the funding provided by Article 25 of the 1987 Annual town Meeting. The plans for a new bridge at this location were completed and approved by the Massachusetts Highway Department in 1991. However, since then the state funding from bridge replacement construction has not been available. We now have the assurance that federal funds are available and that this project can proceed as a state advertised project, provided the plans and specifications are updated and revised to current state standards. The funds requested in this article will complete the design work for a new bridge as this location.

Direct inquiries to: David Abbt, Engineering Administrator - 264-9628
Selectman Assigned:

(S) Recommended
(F)

ARTICLE 22 CAPITAL IMPROVEMENTS - BUILDING RENOVATIONS
(2/3 Vote Required)

To see if the Town will vote to raise and appropriate or appropriate from available funds, or borrow for the various purposes listed below:

	<u>Estimated Cost</u>
A. Memorial Library Mortar Repair	\$20,000.00
B. Fire Dept. Bldg. Exhaust Systems	\$10,000.00
C. Memorial Library HVAC Upgrade	\$10,000.00
D. Police Station Garage Roof Repairs	\$10,000.00
E. Fire Alarm Equipment	\$15,000.00

or take any other action relative thereto.

SUMMARIES

A. Memorial Library Mortar Repair:

This article will provide funds to repair deteriorating mortar joints in the old wing of the Acton Memorial Library. The sum of \$20,000 was included in the FY'94 budget, which was considered to be the first portion of a projected four year, \$80,000 masonry repair project. The work was id out in the Fall of 1993, and it now appears that the entire old wing can be suitably repaired for a total of \$40,000, rather than the original, higher projection. If this article is approved, new bids will be solicited for the entire project, which will be undertaken in late June and early July 1994.

The old wing of the library is just over 100 years old, and many mortar joints are failing due to age and weathering. It is important to repair these joints to eliminate further deterioration and water infiltration.

Direct inquiries: Dean Charter, Dir. of Municipal Properties - 264-9629
Selectman Assigned:

B. Fire Dept. Bldg. Exhaust Systems:

This article requests funding to purchase and install an exhaust evacuation system for the apparatus rooms of the three Fire Station. The system would consist of a large ventilation fan connected with appropriate controls and timing devices. The system is necessary for the safety of Fire Department personnel to remove harmful diesel fumes which remain throughout the station as the apparatus exits and returns.

Direct inquiries: Dean Charter - Dir. Municipal Properties - 264-9629
Selectman Assigned: Anne Fanton

C. Memorial Library HVAC Upgrade:

This article will provide for the upgrading of the existing HVAC system at the Memorial Library. Some of the controls, valves, pumps, and damper motors in the existing system are original equipment from when the new wing was added over 25 years ago. A number of these pieces of equipment either do not work reliably, or are totally non-functioning. Many settings have to be adjusted manually on a daily basis, which is very time consuming and energy inefficient.

Direct inquiries: Dean Charter - Dir. Municipal Properties - 264-9629
Selectman Assigned: William Mullin

D. Police Station Garage Roof Repairs

This article will provide for the reconstruction of the roof over the 3-bay garage portion of the Police Station. This roof has been plagued by problems for the last fifteen or twenty years, and the repairs made in the early 1980's are now starting to fail. Several solutions are under consideration, but the final result will be a reliable roof that should be free from leaks for the next twenty years.

Direct inquiries: Dean Charter - Dir. Municipal Properties - 264-9629
Selectman Assigned: Nancy Tavernier

E. Fire Alarm Equipment:

This article requests funding to replace fire alarm circuit panels in two fire stations. The circuit panel in the third fire station was recently replaced on an emergency basis when it failed unexpectedly. The equipment to be replaced is approximately 30 years old, is unreliable and unable to be repaired due to the unavailability of parts. Should one of these panels fail at any time, alarms from fire alarm boxes in that portion of Town would not be received at the fire alarm dispatch office, creating an extremely serious situation for residents as well as business owners.

Direct inquires to: Chief Craig, 264-9645
Selectman Assigned: Norman Lake

(S) Recommended
(F)

ARTICLE 23 CAPITAL IMPROVEMENTS - DEPARTMENTAL VEHICLES
(2/3 Vote Required)

To see if the Town will vote to raise and appropriate or appropriate from available funds, or borrow for the various purposes listed below:

	<u>Estimated Cost</u>
A. Engineering Van Replacement	\$18,000.00
B. F-700 Dump Truck Replacement	\$35,000.00
C. Front End Loader Replacement	\$95,000.00
D. 4x4 GWV 3/4 Ton Pick-up Replacement	\$18,000.00
E. 4x4 Dump One Ton Dump Truck Replacement	\$25,000.00

or take any other action relative thereto.

SUMMARIES

A. Engineering Van Replacement:

The current vehicle used by the Engineering Department is a 1979 Ford Econoline van. The scheduled replacement date was 1989 (10 years of service), but this vehicle was kept in service an additional 5 years due to budget constraints. The current vehicle will no longer pass Massachusetts inspection due to severe body rot and emissions (oil consumption). Although the mileage is moderate (39,850 miles), this is almost entirely around Town driving and/or short trips. The clutch is in poor condition, the transmission is worn and the piston rings and rear crank shaft are leaking. The replacement van will be a similar size window van with an automatic transmission. The Engineering Department uses this vehicle to transport survey tools and equipment to the various job sites around town.

Direct inquiries: Richard Howe, Highway Supt. 264-9624
Selectman Assigned: William Mullin

B. F-700 Dump Truck Replacement:

This article will provide for a replacement to the existing 1979 Ford F-700 dump truck, which is used for towing the brush chipper and mowing trailer, hauling logs, snow plowing, and other heavy work of the Municipal Properties Department. The present unit has fairly low mileage (53,000 miles) but is structurally in very poor shape due to rust. The truck body was first built around 1955, and has been transferred from truck to truck over the years; this article would replace the cab, chassis, body, and related equipment.

Direct inquiries: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned: Norm Lake

C. Front End Loader Replacement:

This article funds the replacement of a 1983 Front End Wheel Loader. This machine is beginning to show a lot of wear. The center pivot pins are very loose. All pins and bushings on loader frame are badly worn. The main hydraulic pump is showing signs of weakness. This loader will not lift to maximum capacity. Transmission is operational, however the housing was damaged and has been welded and epoxied. The damage was caused when a broken drive shaft punched a hole into the housing. The transmission may have to be replaced at any time. This is a very expensive repair. The cab is showing visible signs of rusting out. This machine is in dire need of replacement.

Direct inquiries: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned: William Mullin

D. 4x4 GWV 3/4 Ton Pick-up Replacement:

This article funds the replacement of the 1979 3/4 Ton Pickup used by the Highway Department. It has extreme visible signs of rust and has already been completely repaired and repainted once. The transmission has been replaced many times and has over 108,000 miles on it. This truck is a primary work truck on the Highway Department for the Sign Department. It is used for installing signs around Town, etc. This truck is in great need of replacement.

Direct inquiries: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned: William Mullin

E. 4x4 Dump One Ton Dump Truck Replacement:

This article funds the replacement of the 1985 Chevrolet One Ton Dump Truck used by the Highway Department. This truck uses 3 to 4 quarts of oil per week and is in need of a complete overhaul. The cab has excessive body rot. The cab corners at lower door are completely rotted out. The doors are showing signs of rot and the sides of the body are also rotting out. The main hydraulic pump on the dump body needs replacement. The floor has been replaced once before. The front end differential is very worn, as well as the axles and U-joints. The transmission and transfer case that were rebuilt in 1990, will require rebuilding in the near future. In addition, the plow frame requires replacement. This truck has 90,000 miles of service and is used for plowing and sanding and all phases of Highway work.

Direct inquiries to: Richard Howe, Highway Supt. - 264-9624
Selectman Assigned: William Mullin

(S) Recommended
(F)

ARTICLE 24 CAPITAL IMPROVEMENTS - TRAFFIC SIGNAL
(2/3 Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow the sum of \$48,000, or any other sum, to be expended by the Town Manager for the installation of traffic signal equipment at the intersection of Powder Mill Road (Route 62) and High Street, or take any other action relative thereto.

SUMMARY

Signals are warranted at this location based on vehicular volume. Funds for the design of these signals were contributed by Digital Equipment Corporation. The Town widened the approaches to the intersection several years ago as part of a Chapter 90 repaving project on Route 62. These funds are for the installation of signal equipment to complete the project.

Direct inquiries to: David F. Abbt, Engineering Admin.- 264-9628.
Selectman Assigned: Nancy Tavernier

(S) Recommended
(F)

ARTICLE 25 - CAPITAL IMPROVEMENTS - ENGINEERING STUDIES
(2/3 Vote Required)

To see if the Town will vote to raise and appropriate or appropriate from available funds, or borrow for the various purposes listed below:

	<u>Estimated Cost</u>
A. Kelley's Corner Plan	\$10,000.00
B. Library Expansion	\$15,000.00

or take any other action relative thereto.

SUMMARIES

A. Kelley's Corner Plan:

The 1991 town wide Master Plan on page 23 states as follows: "Kelley's Corner is the most appropriate area in Acton to locate businesses and retail stores with regional attraction. This is due to the areas close proximity to Route 2 as well as the Town's desire to protect the character of Acton's more historic village centers, and to control further commercial strip development. The need exists to develop a plan for Kelley's Corner in order to develop solutions to current traffic and sewer problems, while ensuring the areas vitality and attractiveness as a regional business center." Kelley's Corner in this planning context means not only the intersection of Main Street with Massachusetts Avenue, but the entire business area in the intersection vicinity and shown on the Acton zoning map as the Kelley's Corner District. Significant changes in property ownership have occurred here in the last few years and several owners have signalled that they are ready for a major redevelopment effort. At the same time, well planned growth in such a prime and visible location as Kelley's Corner will be beneficial to Acton's tax base and community image. This article will provide funding for initial work on public goal setting, for design workshops, and for professional consultants as needed during this process. Expected products resulting from this effort are: concept plans and facilities for improved vehicular and pedestrian access and circulation; a framework for an appropriate amount of future growth and for zoning changes to be made accordingly; and recommendations for needed public and private infrastructure improvements to accommodate future growth including methods of financing such improvements.

Direct inquiries: Roland Bartl, Town Planner - 264-9636
Selectman Assigned: Anne Fanton

B. Library Expansion:

The addition to the Memorial Library was complete in 1967, designed to hold 40,000 books and serve a community of 12,000. Currently the library owns 62,000 books and 5,000 non-book items. For the citizens to have full access to its resources space is needed for programs, shelving of materials, work space for the staff and space for patrons to work.

Residents of Acton have always heavily used this public library and it has outgrown its space. Expanding the library will serve the long-term needs of the entire community. The purpose of this study is to identify the future space needs of the library and the options for expansion.

Direct inquiries: Wanda Null, Library Dir. 264-9641
Selectman Assigned: William Mullin

(S) Recommended
(F)

ARTICLE 26 - CAPITAL IMPROVEMENTS - ICE HOUSE POND (2/3 Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, or borrow the sum of \$30,000.00, or any other sum, to be expended by the Town Manager for dredging, and construction of flood control structure and related work at Ice House Pond, and to apply for and expend any applicable State or Federal grants for such work, or take any other action relative thereto.

SUMMARY

This article will provide funds to deepen Ice House Pond, and to either design and build or upgrade the existing control structure (dam) that regulates the depth of water in the pond.

Ice House Pond was purchased by the Town in 1979, to be used for recreational purposes. Over the years the pond, which is quite shallow, has become infested with Water Chestnut, an exotic plant, which makes the pond useless for recreation during the warm part of the year, and will eventually even eliminate ice skating. This plant can be controlled through deepening the pond, and from periodically dewatering the pond to kill off any Water Chestnut that regrows. Having a reliable control structure will also allow the Town to draw down the pond at times of high water to mitigate flood hazards.

Several State and Federal grants have been applied for to assist in this project, and the Town has been verbally advised that the Federal Emergency Management Agency (FEMA) will provide up to \$40,000 for this project. FEMA has also prepared a draft Environmental Assessment Report approving this project, and Town Staff has prepared an exhaustive study of the pond, which is available to viewing at the Municipal Properties office.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.- 264-9629
Selectman Assigned: William Mullin

(S) Recommended
(F)

ARTICLE 27 MINUTEMAN REGIONAL SCHOOL ASSESSMENT

To see what sums of money the Town will raise and appropriate, or appropriate from available funds, to defray the necessary expenses of the Minuteman Technical School, or take any other action relative thereto.

SUMMARY

This article requests funds for the Fiscal Year 1995 (July 1, 1994-June 30, 1995) for the Minuteman Regional Vocational Technical School Assessment.

Direct inquiries to: William Ryan - 264-4700
Selectman Assigned: Nancy Tavernier

(S) Recommendation Deferred
(F)

ARTICLE 28 ACTON-BOXBOROUGH REGIONAL SCHOOL ASSESSMENT

To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of \$8,035,260.00, or any other sum to defray the necessary expenses of the Acton-Boxborough Regional School, or take any other action relative thereto.

SUMMARY

This article requests funds for the Fiscal Year 1995 (July 1, 1994-June 30- 1995) for the Acton Boxborough Regional School Assessment.

Direct inquiries to: William Ryan - 264-4700
Selectman Assigned: Norman Lake

(S) Recommendation Deferred
(F)

ARTICLE 29 ACTON PUBLIC SCHOOL BUDGET

To see what sums of money the Town will raise and appropriate, or appropriate from available funds, the sum of \$9,967,380 (\$392,380 of which shall be contingent upon passage of a General Override) or any other sum, to defray the necessary expenses of the Local Schools, or take any other action relative thereto.

SUMMARY

This article requests funds for the Fiscal Year 1995 (July 1, 1994-June 30, 1995) for the Town of Acton Local School Operating Budget.

Direct inquiries to: William Ryan- 264-4700
Selectman Assigned: F. Dore' Hunter

(S) Recommendation Deferred
(F)

ARTICLE 30* SECTION 53E 1/2 SELF-FUNDING PROGRAMS (Majority Vote Required)

To see if the Town will vote pursuant to Section 53E 1/2 of Chapter 44 of the General Laws to establish revolving funds for the Historic District Commission, the Building Department and Sealer of Weights and Measures, or take any other action relative thereto.

SUMMARY

This will allow the Town to fully fund the Historic District Commission the Building Department Inspection Program and the Sealer of Weights and Measures for the receipts that each program produces. This article removes the cost of these programs from the tax base.

It is anticipated that with the exception of Electrical, Plumbing & Gas permits the revenues and expenses for previously funded programs will remain the same as last year. Due to the increase in construction, Electrical, Plumbing & Gas permits have been increased to reflect the anticipated activity.

	REVENUE	EXPENSE
Historic District Fees	250	250
Building Department		
Micro Film Fees	2,300	2,300
Electrical, Plumbing and gas permits	37,200	37,200
Sign License/Periodic	6,000	6,000
Sealer of Weights and Measures	6,500	6,500

Direct inquiries to: John Murray, Assistant Town Manager -264-9612
Selectman Assigned: Nancy Tavernier

(S) Recommended
(F)

ARTICLE 31# WEST ACTON CITIZEN'S LIBRARY
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$24,528, or any other sum, for salaries and operating expenses for the maintenance of staffing of the West Acton Citizens Library Association, or take any other action relative thereto.

SUMMARY

This article, if adopted would fund the West Acton Citizen's Library for FY95 (July 1, 1994-June 30, 1995).

#Inserted By Citizen Petition
Selectman Assigned: Anne Fanton

(S) Not Recommended: If the Municipal FY95 Budget, which includes funds for this library is passed and this Article is also passed, the West Acton Library budget will be doubled.

(F)

ARTICLE 32* EMERGENCY/DISASTER AID APPROPRIATIONS
(Majority Vote Required)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other unusual occurrences during Fiscal Year 1995; or take any other action relative thereto.

SUMMARY

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) reimburses cities and towns for certain costs during declared emergencies. This article would authorize the Town to expend these reimbursements to replenish the Town budget, which originally was charged for the expenditure.

Direct inquiries to: John Murray, Asst. Town Manager - 264-9612
Selectman assigned: Nancy Tavernier

(S) Recommended
(F)

ARTICLE 33 USE OF FUNDS TO REDUCE THE TAX RATE
(Majority Vote Required)

To see if the Town will determine an amount of free cash which shall be used for the purpose of reducing the tax rate for the fiscal year beginning July 1, 1994, or take any other action relative thereto.

SUMMARY

This article requests that the Town Meeting appropriate a sum of money from Free Cash to offset the tax levy.

Direct inquiries to: Roy Wetherby, Dir. or Finance - 264-9617
Selectman Assigned: Nancy Tavernier

(S) Recommended
(F)

ARTICLE 34 AFFORDABLE HOUSING- ADAMS STREET

To see if the Town will authorize the Selectmen to convey a portion of a parcel of land in the Southerly part of the Town acquired by the town for sewage disposal purposes pursuant to Article 23 of the 1967 Annual Town Meeting, said parcel being shown as parcel 33, sheet J-3 of the Town Atlas, described as follows:

The portion being the most northwesterly 4.0 acres, more or less, bounded as follows:

NORTHERLY: by Parker Street and Adams Street about 690 feet, more or less;

EASTERLY: by remaining land of the Town of Acton;

SOUTHEASTERLY: by land of the Town of Maynard

SOUTHWESTERLY: by land of Helen E. Newsham to Parker Street.

for construction of up to eight (8) affordable dwelling units and the sale thereof to persons or households whose income qualifies under state or local guidelines for affordable housing, with preference to be given to persons employed by or within the Town, current residents of the Town, and to children on Acton residents.

No conveyance shall occur until:

a) a qualified developer has been chosen based on a competitive selection process which will include detailed plans, well substantiated costs estimates, and guaranteed selling process for the "affordable units"; and

b) the approval of the Planning board, Conservation Commission, board of Health, Acton Water District and such other Town Boards or Departments, as appropriate, for areas within their respective jurisdictions has been obtained.

SUMMARY

This article requests the conveyance of 4 acres of Town-owned land, purchased in 1967 for sewage disposal, to the Board of Selectmen for the construction of up to eight (8) affordable housing units. the 4 acre parcel is a portion of a 20 acre parcel located on Adams Street between High Street and Parker Street. This piece of land will not be needed by the Town for any future sewage disposal purpose.

The Acton Board of Selectmen voted in August 1987, to authorize the Acton Community Housing Corporation, a public non-profit body, to be the town's agent for the affordable housing efforts that have been endorsed by the community. These endorsements were made first through a 1987 Town Meeting Affordable Housing Resolution, then through the Goals and Objectives of the Master Plan voted by Town meeting in April 1990, and finally through the zoning changes made by November 1990 Town Meeting voters to create an Affordable Housing Incentive and Overlay District. this parcel of land was designated by Town Meeting as part of the Affordable Housing District, suitable for future development. This article gives voters an opportunity to make a community goal a reality.

The Acton Community Housing Corporation has developed a detailed proposal and will assist the Selectmen in selecting an appropriate developer. The single family homes will be constructed by the developer who successfully bids on a detailed proposal to provide up to eight units to First Time Homebuyers whose income qualifies under the Local Initiative Program. Local preference will be given to people who meet one or more of the following criteria: (1) employed by the Town of Acton, the A-B Regional School District or the Acton Water District, (2) current Acton resident, (3) a child of a current Acton resident, or (4) a person working in Acton. All of the housing units will be counted toward the Town's quota of 10%, a statewide directive that each community must provide 10% of its housing stock as affordable.

This proposal will be required to meet all of the Town's current zoning and environmental regulations. The Planning Board will be required to hold public hearings before issuing a Special Permit for the project. There will be ample opportunity for public input.

Direct inquiries to: Don P. Johnson, Town Manager - 264-9612
Selectman Assigned: Nancy Tavernier

(S) Recommended
(F)

ARTICLE 35* CEMETERY LAND FUND TRANSFER (Majority Vote Required)

To see if the Town will raise and appropriate or transfer from the Cemetery Land Fund the sum of \$10,000, or any other sum, to be expended by the Town Manager for the design, development, landscaping, roadways, and drainage of new sections of Woodlawn Cemetery and Mount Hope Cemetery, or take any other action relative thereto.

SUMMARY

The 1993 Annual Town Meeting approved an initial transfer of \$33,500 for the first phases of development of the new sections of the two active cemeteries. The article this year will provide the second portion of funds required, as was envisioned in the original article. The new sections will provide over 1000 additional grave spaces, which will be sufficient for approximately ten years.

The funds in the Cemetery Land Fund are accumulated from a portion of the purchase price of grave spaces, and are dedicated for the expansion of the cemeteries.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.-264-9629
Selectman Assigned: William Mullin

(S) Recommended
(F)

ARTICLE 36* CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM
(Majority Vote Required)

To see if the Town will raise and appropriate or appropriate from available funds a sum of money for highway improvements under the authority of Chapter 90 of the General Laws and any other applicable law, or take any other action relative thereto.

SUMMARY

State law requires that State Highway Reimbursement Funds be appropriated by Town Meeting. Each year the State provides communities with 100% Reimbursement for certain highway projects. These monies have provided all the resurfacing projects in Acton for the last three years. If Town Meeting were not to adopt this article, it is conceivable that the monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612
Selectman Assigned: Nancy Tavernier

(S) Recommended
(F)

ARTICLE 37* ACCEPTANCE OF GIFTS OF LAND
(Majority Vote Required)

To see if the Town will vote to accept as a gift the following parcel of vacant land:

From LaSell Realty Corp., a parcel of land consisting of 1.4 acres, more or less, located at 48 Conant Street Behind, Parcel I-3, 127, for General Municipal Purposes, or take any other action relative thereto.

SUMMARY

This parcel is a very small lot that is adjacent to existing Conservation Land, and is almost entirely Wetlands and Floodplain. For the foreseeable future this land will remain undeveloped.

Direct inquiries to: Dean A. Charter, Municipal Prop. Dir.-264-9629
Selectman Assigned: Norman Lake

(S) Recommended
(F)

**ARTICLE 38* ACCEPTANCE OF GIFT OF LAND AND RELATED EASEMENTS -
HEARTHSTONE FARM SUBDIVISION**
(Majority Vote Required)

To see if the Town will vote to accept from Ronald B. Peabody, Trustee of Bowen Estate I Realty Trust a gift of vacant land for conservation purposes under MGL. Chapter 184, Section 31, along with related access, parking lot, trail and sidewalk easements. The land, shown as Parcel A in the Hearthstone Farm Subdivision (off Strawberry Hill Road), contains 31.7 acres, more or less, and is a portion of Parcel 16-2 on Map Sheet E-5 of the 1993 edition of the Town Atlas. Said land is to remain in its current natural, scenic, and open condition and in its current agricultural, farming and forest use. The easements are: a right of way easement for access from Jay Lane to Parcel A; a parking lot easement across from Jay Lane on a parcel of land shown as Parcel 51 on Map Sheet F-5 of the 1993 edition of the Town Atlas; and a sidewalk and trail easement located around the periphery of the same parcel,
or take any other action relative thereto.

SUMMARY

Parcel A is the Common Land of the Hearthstone Farm Subdivision (Jay Lane) set aside in accordance with Section 9 of the Acton Zoning Bylaw - Planned Conservation Residential Communities. Parcel A abuts the Spring Hill Conservation area and has frontage on Jay Lane. Acceptance of Parcel A will establish access to the Spring Hill Conservation area from Strawberry Hill Road which was previously not available. Parcel A contains a hilltop which is the highest elevation in the northeast portion of Acton. Currently scenic views from the hilltop are possible in a southerly direction towards Acton Center. Due to physical and legal constraints this area will be used for conservation and passive recreation, including hiking and ski trails, wildlife and forest production. The right of way easement runs parallel to a narrow portion of Parcel A connecting Parcel A to Jay Lane. The parking lot easement is at the foot of Jay Lane on the opposite side of Strawberry Hill Road and allows for the parking of vehicles by persons wishing to access the Spring Hill conservation area via Jay Lane. The trail easement allows for a pedestrian walkway connecting Pope Road near Proctor Street to Strawberry Hill Road near Jay Lane. The sidewalk easements allows for the construction of sidewalks along Strawberry Hill Road and Pope Road.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Norman Lake

(S) Recommended
(F)

ARTICLE 39* STREET ACCEPTANCES (Majority Vote Required)

To see if the Town will accept as a public way the following street or portion thereof, as laid out by the Board of Selectmen according to a plan on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easement in said street by eminent domain or otherwise, including easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout:

In the KENNEDY ESTATES SUBDIVISION

Kennedy Lane - from the southerly sideline of Arlington Street a distance of 467 feet, more or less, in an southeasterly direction to the easterly sideline of a 77.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

SUMMARY

This is an Annual Article to accept roads as Town ways which have been built to Planning Board standards. In order to create a new road, a potential land developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the road according to this plan and the rules and regulations of the Planning Board. Inspections are made by the Engineering Department during construction to insure compliance with these standards. Upon completion of the road, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the road as a town way. Prior to Town Meeting the Selectmen hold a Public Hearing and adopt an "Order of Layout" containing a legal description of the road. Following Town Meeting, the Selectmen obtain title to the road by deed or eminent domain. Such roads are built and donated to the Town at no cost, however, the Town will assume future maintenance costs as with any Town road. The subdivision process is contained in Massachusetts General Law Chapter 41, and the layout of Town ways is Chapter 82. Kennedy Lane has followed this process and is now ready for acceptance.

Direct inquiries to: David Abbt, Engineering Admin. - 264-9628.
Selectman Assigned: William Mullin

(S) Recommended
(F)

ARTICLE 40* CHARTER ROAD SIDEWALK EASEMENTS
(Majority Vote Required)

To see if the Town will vote to accept as a gift the following easements for sidewalk purposes:

- A. Gordon D. Richards of 60 Charter Road an easement along a portion of his frontage on Charter Road;
- B. Ira D. and Barbara K. Smith of 68 Charter Road an easement along their frontage on Charter Road;
- C. Geoffrey D. and Joan S. Sackman of 64 Charter Road an easement 5 feet wide along their frontage on Charter Road;

or take any other action relative thereto.

SUMMARY

The donations of these easements are for the sidewalk that was recently constructed on Charter Road at this location.

Direct inquiries to: David Abbt, Engineering Admin. - 264-9628
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F)

ARTICLE 41* MAIN STREET EASEMENT
(Majority Vote Required)

To see if the Town will vote to accept as a gift from Sun Company, Inc. (formerly Sun Refining & Marketing Co.) an easement on their property at 421 Massachusetts Avenue 10 feet wide running parallel and adjacent to the sideline of Main Street for all purposes that streets and ways are commonly used in the Town of Acton, being further described in a Quitclaim Deed to the Town of Acton dated October 5, 1993, or take any other action relative thereto.

SUMMARY

This easement is being donated to the Town in anticipation of the possibility of a future widening of Main Street (Route 27) at Kelley's Corner. The future widening would resemble, at least in concept, the recent widening of Main Street at Great Road (Route 2A).

Direct inquiries to: David F. Abbt, Engineering Admin. - 264-9628
Selectman assigned: William Mullin

(S) Recommended
(F)

**ARTICLE 42 - WEST ACTON VILLAGE (WAV), GENERAL BUSINESS (GB) AND
LIMITED BUSINESS (LB) DISTRICTS IN WEST ACTON
(2/3 Vote Required)**

To see if the Town will vote to amend the Acton Zoning Bylaw and the Acton Zoning Map as follows:

A1 Zoning Map. Rezone to West Acton Village District (WAV) the following parcels of land identified by their 1993 Town of Acton Atlas Map and Parcel numbers:

(Present zoning designations, shown in parenthesis, and street addresses are provided for reference purposes only.)

Map F-2A	Parcel 69	(R-2, WAV)	267 Arlington St.
Map F-2A	Parcel 86	(none)	Corner of Central St. & Mass. Ave.
Map F-2A	Parcel 94	(R-2, WAV)	3 Spruce St.
Map F-2A	Parcel 100	(R-2)	596 Massachusetts Ave.
Map F-2A	Parcel 101	(R-2)	592 Massachusetts Ave.
Map F-2A	Parcel 116	(R-2)	274 Central St.
Map F-2A	Parcel 119	(R-2)	270 Central St.
Map F-2B	Parcel 37	(LB)	236 Central St.
Map F-2B	Parcel 41,	which is the portion east of the drainage easement of Parcel shown as F-2B/32 and F-2B/41	
		(LB)	5 Willow St.

A2 Zoning Map. Rezone to Residence 2 (R-2) the following parcels of land identified by their 1993 Town of Acton Atlas Map and Parcel numbers:

(Present zoning designations, shown in parenthesis, and street addresses are provided for reference purposes only.)

Map E-2	Parcel 239,	only that portion which is on the east side of Central St.	
		(GB)	331-347 Central St.
Map E-2	Parcel 252	(GB)	355 Central St.
Map F-2A	Parcel 2	(WAV)	311 Central St.
Map F-2A	Parcel 2-1	(GB)	317 Central St.
Map F-2A	Parcel 17	(WAV)	68 Spruce St.
Map F-2A	Parcel 19	(WAV)	50 Spruce St.
Map F-2A	Parcel 23	(WAV)	44 Spruce St.
Map F-2A	Parcel 24	(WAV)	42 Spruce St.
Map F-2A	Parcel 27	(WAV)	309 Central St.
Map F-2A	Parcel 28	(WAV)	40 Spruce St.
Map F-2A	Parcel 32	(WAV)	307 Central St.
Map F-2A	Parcel 37	(WAV)	305 Central St.
Map F-2A	Parcel 38	(WAV)	305 Central St. (beside)
Map F-2A	Parcel 39	(WAV)	34 Spruce St.
Map F-2A	Parcel 42	(WAV)	303 Central St.
Map F-2A	Parcel 43	(WAV)	303 Central St. (rear)
Map F-2A	Parcel 50	(WAV)	301 Central St.
Map F-2A	Parcel 52	(WAV)	30 Spruce St.
Map F-2A	Parcel 58	(WAV)	299 Central St.
Map F-2B	Parcel 32,	which is the portion west of the drainage easement of Parcel shown as F-2B/32 and F-2B/41	
		(LB)	5 Willow St.
Map F-2B	Parcel 49	(LB)	13 Willow St.

B.1 Zoning Bylaw - Section 3. Table of PRINCIPAL USES. Delete the WAV column under the heading for Village Districts and replace with the following new WAV column:

(For reference purposes, where changes are proposed in the WAV district, the present designation is shown in brackets.)

PRINCIPAL USES		VILLAGE DISTRICTS	
		WAV	
3.2	GENERAL USES		
3.2.1	Agriculture	Y	
3.2.2	Conservation	Y	
3.2.3	Earth Removal	N	[SPA]
3.2.4	Recreation	SPS	
3.3	RESIDENTIAL USES		
3.3.1	Single Family Dwelling	Y	
3.3.2	Single Family Dwelling with one Apartment	Y	[Y(3)]
3.3.3	Dwelling Conversions	Y	[SPA]
3.3.4	Multifamily Dwelling	Y	[N(2)]
3.4	GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES		
3.4.1	Municipal	Y	
3.4.2	Educational	Y	
3.4.3	Religious	Y	
3.4.4	Nursing Home	SPS	
3.4.5	Public or Private Utility Facilities	Y	
3.4.6	Child Care Facility	Y	
3.5	BUSINESS USES		
3.5.1	Retail Store	Y	
3.5.2	Business or Professional Office	Y	
3.5.3	Financial	Y	
3.5.4	Restaurant	SPS	
3.5.5	Hotel, Inn or Motel	SPS	
3.5.6	Combined Business and Dwelling	Y	[SPS]
3.5.7	Lodge or Club	SPS	
3.5.8	Funeral Home	Y	
3.5.9	Veterinary Care	SPS	[N]
3.5.10	Commercial Kennel	N	
3.5.11	Personal Services	Y	
3.5.12	General Services	Y	
3.5.13	Studio	Y	
3.5.14	Building Trade Shop	Y	

3.5.15	Commercial Recreation	SPS	[N]
3.5.16	Commercial and Trade School	SPS	
3.5.17	Amusement Facility	SPS	[N]
3.5.18	Motor Vehicle Service Station or Car Wash	N	[SPS]
3.5.19	Motor Vehicle Repair or Body Shop	SPS	[Y]
3.5.20	Light Vehicular and Equipment Sales	N	
3.5.21	Parking Facility	Y	
3.6	INDUSTRIAL USES		
3.6.1	Warehouse	N	
3.6.2	Mini-Warehouse	N	[SPS]
3.6.3	Construction Yard	N	
3.6.4	Lumber Yard	N	
3.6.5	Heating Fuel Sales and Service	N	
3.6.6	Light Manufacturing	SPS	[N]
3.7	PROHIBITED USES		
3.7.1	Heavy Manufacturing	N	
3.7.2	Storage	N	
3.7.3	Amusement	N	
3.7.4	General	N	
3.7.5	Heavy Vehicular Sales or Repair Garages	N	

B.2 Zoning Bylaw - Section 3. Amend Section 3.5.5 as stated below.

After "(NAV)" insert the following:
 ", West Acton Village (WAV)"

C.1 Zoning Bylaw - Section 5. Delete the first paragraph of Section 5.5.2 and replace with:

"Maximum Floor Area of Businesses and Industries - The maximum NET FLOOR AREA of an individual business or industrial establishment shall not exceed the following (all limits expressed in square feet):"

C.2 Zoning Bylaw - Section 5. Amend the WAV column in Section 5.5.2 to read as follows:

3.5.1	Retail Store	5,000
3.5.2	Business or Professional Office	5,000
3.5.3	Financial	5,000
3.5.4	Restaurant	5,000
3.5.7	Lodge or Club	5,000
3.5.9	Veterinary Care	3,000
3.5.11	Personal Services	3,000
3.5.12	General Services	5,000
3.5.13	Studio	3,000

3.5.14	Building Trade Shop	5,000
3.5.15	Commercial Recreation	5,000
3.5.17	Amusement Facility	5,000
3.6.6	Light Manufacturing	5,000

C.3 Zoning Bylaw - Section 5. Table of Standard Dimensional Regulations. Amend the WAV entry in the Table of Standard Dimensional Regulations to read as follows:

Zoning Districts	Minimum LOT Area in sq.ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in %	Maximum FLOOR AREA RATIO	Maximum Height in feet
WAV	NR	NR	NR	5 (10)	NR (1)	NR	.40 (1)	36 (12)

C.4 Zoning Bylaw - Section 5. Table of Standard Dimensional Regulations. Add the following new footnotes as stated below:

- (10) The maximum front yard shall be ten (10) feet, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least. Exceptions: a) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE in the rear of an existing BUILDING or to an addition to the rear of an existing BUILDING or STRUCTURE, if all are located on one LOT with FRONTAGE on only one STREET. b) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE on a LOT without FRONTAGE and located entirely in the rear of existing BUILDINGS or STRUCTURES so that it does not face a STREET.
- (11) The FLOOR AREA RATIO may be increased to .70 provided that for every 1000 square feet of non-residential NET FLOOR AREA built above a FLOOR AREA RATIO of .40 an at-least-equal amount of residential NET FLOOR AREA is provided simultaneously.
- (12) In the West Acton Village District, the minimum height of a BUILDING shall be twenty (20) feet. Accessory BUILDINGS, such as garages or sheds may be less than 20 feet in height.

or take any other action relative thereto.

SUMMARY

This is the first of four articles (Articles 99-99) presented at this Town Meeting which would implement the Goals and Objectives of the West Acton Village Plan through changes in the Zoning Bylaw. The West Acton Village Plan, is a supplement to Acton's town wide Master Plan completed in 1991. The Master Plan recommended that Acton's village areas should be studied independently and in greater detail. Based on extensive comment and participation of residents and businesses in and around West Acton Village, the West Acton Village Plan sets forth the following broad policy goals for the village and its surrounding neighborhoods:

- Maintain village character.
- Improve pedestrian safety, convenience and comfort.
- Improve automobile traffic safety.
- Support new development that enhances village vitality.
- Encourage small business development.
- Promote diversity in housing.
- Protect natural resources.

- Preserve open spaces and develop additional public open spaces and parks.
- Improve the appearance of West Acton Village.

If adopted, Part A of this article will reduce the West Acton Village District to the area which is currently the core business center of West Acton Village:

- It will eliminate the northerly extensions of the present business zoning districts which now extend north along Central and Spruce Streets. These areas are mostly in residential use.
- It will rezone these and some additional parcels south of the village center to the Residence 2 District. In the next article (Article 99) most of these parcels will be rezoned to a new residential zoning district, Village Residential District, to recognize the unique characteristics of these village residences.
- In addition, it will rezone from the Limited Business District to the West Acton Village District an isolated commercial area at the intersection of Central and Willow Streets. This area is within the geographic boundaries of West Acton Village. The West Acton Village zoning designation is therefore more appropriate.

Part B will change use regulations in the West Acton Village District. Some of the changes are:

- Multifamily uses will be allowed. Although many apartment houses do exist in the West Acton Village District new ones are presently not allowed.
- Businesses and dwellings will be allowed on the same lot and in the same building as a matter of right. Currently this requires a special permit. A mixture of residential and commercial uses in one building, often store fronts with apartments above, is typical of traditional villages such as West Acton. Zoning to allow this mixture is consistent with existing land uses patterns in the village.
- Commercial recreation such as a skating rink, a bowling alley or a pool, and amusement facilities such as a theater (Theatre III) or a cinema, will be allowed by special permit. Unlike most of Acton's other village zoning districts, these uses are currently not allowed in the West Acton Village District.
- Gas stations, car wash facilities and mini-warehouses will no longer be permitted uses.
- Light manufacturing of goods, such as electronic or building components, office supplies or printed products, will become a use that may be allowed by special permit. Currently it is not allowed.

Although the geographic area of the WAV District will be reduced, the article in Part C, will double the amount of building floor area that can be located on lots in the newly defined WAV District to 40 percent of the lot area. This will allow new business growth in the West Acton Village District that enhances village vitality. In addition Part C will accomplish the following:

- The allowable building floor area may be further increased to 70 percent of the lot area if at least half of the additional floor area is dedicated to residential use. This will ensure a mixture of residential and commercial uses in the village core, which is important for the health of the businesses located there and for the vitality of the village as a whole. The increases in allowable building floor area are more consistent with the current composition of buildings in the West Acton Village center. For instance, the historic buildings between Central Street and Windsor Avenue have a building floor area that comes close to 200 percent of their lot area.
- The size of individual businesses and industries will be limited, some to 5000 square feet and others to 3000 square feet in floor area. This will maintain the small business character of the village center.
- The maximum front yard requirement in the West Acton Village District will be 10 feet. This ensures that new buildings will be close to the street, which is more consistent with the village's existing buildings.

- The minimum side and rear yard setbacks of 10 feet for buildings abutting other buildings within the West Acton Village District will be eliminated. This will allow building designs and layouts that are more appropriate in a village setting.
- The minimum height of buildings in the West Acton Village District will be 20 feet. This will ensure that new buildings are more consistent with the height of existing buildings.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned: Anne Fanton

(S) Recommended
(F)

ARTICLE 43 - VILLAGE RESIDENTIAL DISTRICT IN WEST ACTON
(2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Bylaw and the Acton Zoning Map as follows:

- A. Zoning Map.** Rezone to Village Residential (VR) the following parcels of land identified by their 1993 Town of Acton Atlas Map and Parcel numbers.

(Street addresses are provided for reference purposes only.)

(For reference, the following parcels are presently zoned GB; Article 99 of this warrant, if adopted, has rezoned the parcels to Residence 2 (R-2).)

Map E-2	Parcel 239, only that portion which is on the east side of Central St.	331-347 Central St.
Map E-2	Parcel 252	355 Central St.
Map F-2A	Parcel 2-1	317 Central St.

(For reference, the following parcels are presently zoned WAV; Article 99 of this warrant, if adopted, has rezoned the parcels to Residence 2 (R-2).)

Map F-2A	Parcel 2	311 Central St.
Map F-2A	Parcel 17	68 Spruce St.
Map F-2A	Parcel 19	50 Spruce St.
Map F-2A	Parcel 23	44 Spruce St.
Map F-2A	Parcel 24	42 Spruce St.
Map F-2A	Parcel 27	309 Central St.
Map F-2A	Parcel 28	40 Spruce St.
Map F-2A	Parcel 32	307 Central St.
Map F-2A	Parcel 37	305 Central St.
Map F-2A	Parcel 38	305 Central St. (beside)
Map F-2A	Parcel 39	34 Spruce St.
Map F-2A	Parcel 42	303 Central St.
Map F-2A	Parcel 43	303 Central St. (rear)
Map F-2A	Parcel 50	301 Central St.
Map F-2A	Parcel 52	30 Spruce St.
Map F-2A	Parcel 58	299 Central St.

(For reference, the following parcel is presently zoned LB; Article 99 of this warrant, if adopted, has rezoned the parcel to Residence 2 (R-2).)

Map F-2B Parcel 49

13 Willow St.

(For reference, the following parcels are presently zoned Residence 2 (R-2).)

Map F-2A Parcel 16	308 Central St.
Map F-2A Parcel 16-1	310 Central St.
Map F-2A Parcel 16-2	306 Central St.
Map F-2A Parcel 18	51 Spruce St.
Map F-2A Parcel 20	215 Arlington St.
Map F-2A Parcel 25	37 Spruce St.
Map F-2A Parcel 29-10	226 Arlington St.
Map F-2A Parcel 33	33 Spruce St.
Map F-2A Parcel 34	221 Arlington St.
Map F-2A Parcel 35	217 Arlington St.
Map F-2A Parcel 36	302 Central St.
Map F-2A Parcel 44	239 Arlington St.
Map F-2A Parcel 45	235 Arlington St.
Map F-2A Parcel 46	227 Arlington St.
Map F-2A Parcel 49	298 Central St.
Map F-2A Parcel 53	220 Arlington St.
Map F-2A Parcel 56	294 Central St.
Map F-2A Parcel 57	296 Central St.
Map F-2A Parcel 64	292 Central St.
Map F-2A Parcel 77	603 Massachusetts Ave.
Map F-2A Parcel 84	285 Arlington St.
Map F-2A Parcel 85	612 Massachusetts Ave.
Map F-2A Parcel 96	608 Massachusetts Ave.
Map F-2A Parcel 99	276 Arlington St.
Map F-2A Parcel 103	531 Massachusetts Ave.
Map F-2A Parcel 104	525 Massachusetts Ave.
Map F-2A Parcel 108	278 Arlington St.
Map F-2A Parcel 114	537 Massachusetts Ave.
Map F-2A Parcel 115	284 Arlington St.
Map F-2A Parcel 127	264 Central St.
Map F-2A Parcel 132	550 Massachusetts Ave.
Map F-2A Parcel 133	544 Massachusetts Ave.
Map F-2A Parcel 134	17 Windsor Ave.
Map F-2A Parcel 135	18-20 Windsor Ave.
Map F-2A Parcel 136	5 Kinsley Rd.
Map F-2A Parcel 137	542 Massachusetts Ave.
Map F-2A Parcel 139	536 Massachusetts Ave.
Map F-2A Parcel 140	530 Massachusetts Ave.
Map F-2B Parcel 1	258 Central St.
Map F-2B Parcel 2	257 Central St.
Map F-2B Parcel 3	25 Windsor Ave.
Map F-2B Parcel 4	24 Windsor Ave.
Map F-2B Parcel 5	520 Massachusetts Ave.
Map F-2B Parcel 6	516 Massachusetts Ave.
Map F-2B Parcel 7	9 Church St.

Map F-2B	Parcel 8	7 Church St.
Map F-2B	Parcel 9	5 Church St.
Map F-2B	Parcel 10	250 Central St.
Map F-2B	Parcel 11	253 Central St.
Map F-2B	Parcel 12	29 Windsor Ave.
Map F-2B	Parcel 13	30 Windsor Ave.
Map F-2B	Parcel 14	9 Kinsley Rd.
Map F-2B	Parcel 15	540 Massachusetts Ave.
Map F-2B	Parcel 16	11 Church St.
Map F-2B	Parcel 17	12 Church St.
Map F-2B	Parcel 18	8 Church St.
Map F-2B	Parcel 19	248 Central St.
Map F-2B	Parcel 20	249 Central St.
Map F-2B	Parcel 21	33 Windsor Ave.
Map F-2B	Parcel 22	35 Windsor Ave.
Map F-2B	Parcel 24	15 Church St.
Map F-2B	Parcel 25	14 Church St.
Map F-2B	Parcel 26	244 Central St.
Map F-2B	Parcel 27	43 Windsor Ave.
Map F-2B	Parcel 28	38 Windsor Ave.
Map F-2B	Parcel 29	42 Windsor Ave.
Map F-2B	Parcel 30	15 Kinsley Rd.
Map F-2B	Parcel 31-1	6 Kinsley Rd.
Map F-2B	Parcel 31-2	8 Kinsley Rd.
Map F-2B	Parcel 31-10	514 Massachusetts Ave.
Map F-2B	Parcel 33	242 Central St.
Map F-2B	Parcel 34	241 Central St.
Map F-2B	Parcel 35	49 Windsor Ave.
Map F-2B	Parcel 36	46 Windsor Ave.
Map F-2B	Parcel 38	237 Central St.
Map F-2B	Parcel 39	53 Windsor Ave.
Map F-2B	Parcel 40	48 Windsor Ave.
Map F-2B	Parcel 43	233 Central St.
Map F-2B	Parcel 44	57 Windsor Ave.
Map F-2B	Parcel 45	56 Windsor Ave.
Map F-2B	Parcel 50	224 Central St.
Map F-2B	Parcel 51	221 Central St.
Map F-2B	Parcel 52	59 Windsor Ave.
Map F-2B	Parcel 53	62 Windsor Ave.
Map F-2B	Parcel 59	220 Central St.
Map F-2B	Parcel 60	217 Central St.
Map F-2B	Parcel 61	63 Windsor Ave.
Map F-2B	Parcel 64	28 Willow St.
Map F-2B	Parcel 65	214 Central St.
Map F-2B	Parcel 67	211 Central St.
Map F-2B	Parcel 69	69 Windsor Ave.
Map F-2B	Parcel 75	30 Willow St.
Map F-2B	Parcel 76	206 Central St.
Map F-2B	Parcel 78	207 Central St.
Map F-2B	Parcel 79	75 Windsor Ave.
Map F-2B	Parcel 87	68 Windsor Ave.
Map F-2B	Parcel 87-1	66 Windsor Ave.

- B. **Zoning Bylaw - Section 2.** In Section 2.1, insert the following new zoning district classification under the heading "Residential Districts":

Village Residential

VR

- C.1 **Zoning Bylaw - Section 3. Table of PRINCIPAL USES.** Add the following new Village Residential (VR) column under the heading for Residential Districts.

PRINCIPAL USES		RESIDENTIAL DISTRICTS
		VR
3.2	GENERAL USES	
3.2.1	Agriculture	Y
3.2.2	Conservation	Y
3.2.3	Earth Removal	N
3.2.4	Recreation	SPS
3.3	RESIDENTIAL USES	
3.3.1	Single Family Dwelling	Y
3.3.2	Single Family Dwelling with one Apartment	Y
3.3.3	Dwelling Conversions	SPA
3.3.4	Multifamily Dwelling	SPA (7)
3.4	GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES	
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	SPS
3.4.5	Public or Private Utility Facilities	N
3.4.6	Child Care Facility	Y
3.5	BUSINESS USES	
3.5.1	Retail Store	Y (8)
3.5.2	Business or Professional Office	Y (8)
3.5.3	Financial	Y (8)
3.5.4	Restaurant	SPS (8)
3.5.5	Hotel, Inn or Motel	SPS
3.5.6	Combined Business and Dwelling	Y (8)
3.5.7	Lodge or Club	N
3.5.8	Funeral Home	N
3.5.9	Veterinary Care	SPS (8)

3.5.10	Commercial Kennel	N
3.5.11	Personal Services	Y (8)
3.5.12	General Services	Y (8)
3.5.13	Studio	Y (8)
3.5.14	Building Trade Shop	N
3.5.15	Commercial Recreation	N
3.5.16	Commercial and Trade School	N
3.5.17	Amusement Facility	N
3.5.18	Motor Vehicle Service Station or Car Wash	N
3.5.19	Motor Vehicle Repair or Body Shop	N
3.5.20	Light Vehicular and Equipment Sales	N
3.5.21	Parking Facility	N
3.6	INDUSTRIAL USES	
3.6.1	Warehouse	N
3.6.2	Mini-Warehouse	N
3.6.3	Construction Yard	N
3.6.4	Lumber Yard	N
3.6.5	Heating Fuel Sales and Service	N
3.6.6	Light Manufacturing	N
3.7	PROHIBITED USES	
3.7.1	Heavy Manufacturing	N
3.7.2	Storage	N
3.7.3	Amusement	N
3.7.4	General	N
3.7.5	Heavy Vehicular Sales or Repair Garages	N

C.2 Zoning Bylaw - Section 3. Table of PRINCIPAL USES. Add the following new footnotes:

- (7) Not more than four (4) DWELLING UNITS shall be permitted per multifamily dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes.
- (8) Provided that the owner of the property resides on the property, the business USE is limited to 500 square feet of NET FLOOR AREA, and all parking spaces are provided to the rear or side of the BUILDING. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. The business USE hereunder shall not be deemed a home occupation. Home occupations are authorized separately under Section 3.8.1.2. Site Plan Special Permit shall not be required. Hours of business operation shall be limited to 7 AM to 9 PM Monday through Saturday, except hours of retail sale shall be limited to 7 AM to 7 PM Monday through Saturday. Exterior lighting fixtures for the business USE shall not be illuminated except during hours of business operation.

C.3 Zoning Bylaw - Section 3. Amend Section 3.5.5 as stated below:

After "(EAV)" insert the following:
"and Village Residential (VR)"

C.4 Zoning Bylaw - Section 3. Amend Section 3.8.1.2 by adding the following words after the first sentence:

"In the Village Residential District, the portion of the DWELLING UNIT or accessory BUILDING used for a home occupation shall be limited to 500 square feet of NET FLOOR AREA."

D. Zoning Bylaw - Section 5. Table of Standard Dimensional Regulations. Add the following entry to the Table of Standard Dimensional Regulations:

Zoning Districts	Minimum LOT Area in sq.ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in %	Maximum FLOOR AREA RATIO	Maximum Height in feet
VR	15,000	50	NR	10	10	20%	NR	36

or take any other action relative thereto.

SUMMARY

If adopted, this article will create a new residential zoning district entitled "Village Residential" (VR) in recognition of the unique settlement pattern of the village homes adjacent to the business center in West Acton Village. The Village Residential District is tailored to West Acton Village's individual characteristics which include single family homes on narrow lots, duplexes, multifamily dwellings, large antique homes on small lots and some homes with small businesses in them and will maintain the character of the village, a goal of the West Acton Village Plan.

Parts A and B will establish the Village Residential zoning district by rezoning the parcels which surround the West Acton Village District as defined in the previous article (Article 99). The general areas included in the Village Residential District are: parcels on Central Street north to the railroad crossing and south to a little beyond Willow Street; parcels on Spruce Street; parcels on Massachusetts Avenue east to a little beyond Gardner Field and west just past the Arlington Street intersection; parcels on Arlington Street east close to West Road and west just beyond Massachusetts Avenue.

In Part C of this article, the Table of Principal Uses is amended to identify those uses that will be permitted in the new Village Residential zoning district. The types of land uses proposed to be allowed in the Village Residential district compare fairly consistently with those land uses that are permitted in the other residential zoning districts, but there are a few noted differences:

In the Village Residential District multifamily dwellings (up to 4 dwelling units) would be allowed by special permit, including new construction, provided that one unit is occupied by the building owner. This will help to promote diversity of housing within West Acton Village, a goal of the Village Plan. Many multifamily houses do exist in the West Acton Village area, but new ones are presently not allowed. For comparison, in other residential districts conversions of existing single family homes into multifamily dwellings with up to 4 units is allowed by special permit.

In addition, certain business uses (retail store, office, restaurant, veterinary care, personal and general services, and studio) would be allowed in residential buildings subject to a 500 square foot size limitation. The business need not be operated by a building resident but the building's owner must reside in the building. To minimize the impact on the residential neighborhood, regulations are established for the location of business parking spaces, the hours of business operation, and exterior lighting for the business use. For comparison, in other residential districts businesses in residences are permitted without size limitation, but the business must be operated by the resident.

Part D establishes dimensional controls for lots in the Village Residential District that are comparable to the size of existing lots in the Village. A survey of the parcels in the proposed Village Residential District indicates that almost 70% of the lots have less than the required amount of frontage, and 60% of the lots are smaller in size than is presently allowed by zoning. The proposed dimensional regulations will require less lot area and less frontage. This significantly reduces the number of non-conforming lots: only 10% of the lots will remain with too little frontage; and 42% of the lots will remain with too small an area. Small lots and narrower frontage are typical for village areas. This change will recognize the existing pattern of settlement in the West Acton Village area and thereby aid in the preservation of the village character.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned: Anne Fanton

(S) Recommended
(F)

ARTICLE 44 - PARKING IN VILLAGE DISTRICTS (2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Bylaw as follows:

- A.1 Section 6.** Amend Section 6.2 - General Provisions, by deleting the present text and substituting the following text in its place:

All required parking shall be located on the same LOT as the USE it serves, except within a MAJOR AFFORDABLE Housing Development (Section 4.4), a PCRC (Section 9) and a PUD (Section 9A) where required parking may be provided in a flexible configuration within the TRACT OF LAND comprising the development, and except as provided in Section 6.9. Parking facilities shall also comply with the requirements of the Massachusetts Architectural Access Board.

- A.2 Section 6.** Delete Section 6.4 - Exception in Village Districts, and re-number the remaining Sections 6.5, 6.6, 6.7, 6.8, and 6.9 to become Sections 6.4, 6.5, 6.6, 6.7, and 6.8 respectively.

- A.3 Section 6.** In Section 6.5 - Loading Areas (re-numbered as Section 6.4), add the following at the beginning of the first sentence:
- "Except in the WAV District"
- A.4 Section 6.** Amend Section 6.8 (re-numbered as Section 6.7) by adding the following words after "except":
- "Parking lots in the WAV District, and"
- A.5 Section 6.** Amend Section 6.8.2 (re-numbered as Section 6.7.2) by deleting the last sentence.
- A.6 Section 6.** Amend Section 6.9 - Structured Parking (re-numbered as Section 6.8) by adding the following phrase at the beginning of the first sentence:
- "Except in the WAV District"
- and by adding the following phrase at the beginning of the second sentence:
- "In all zoning districts"
- B. Section 6.** Add new section 6.9 - Special Provisions for Parking in the Village Districts, as follows:
- 6.9 Special Provisions for Parking in the Village Districts**
- 6.9.1 SAV, NAV and EAV Districts.**
- 6.9.1.1** In the SAV, NAV and EAV Districts, the Board of Selectmen may authorize by special permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies within the same Village District as the BUILDING it is intended to serve.
- 6.9.1.2** In the SAV, NAV and EAV Districts, no off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET.
- 6.9.2** In the WAV District, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:
- 6.9.2.1** Required off-STREET parking for a USE in the WAV District may be provided on any LOT within the WAV District, and not necessarily on the same LOT as the USE.
- 6.9.2.2** In the WAV District, no off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET, except on LOTS having FRONTAGE on more than one STREET. On LOTS having FRONTAGE on more than one

STREET the main BUILDING entrance shall face a STREET and parking spaces shall be located on the opposite side of the main BUILDING entrance.

- 6.9.2.3 Connection of Parking - In the WAV District, a Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the WAV District, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET or a driveway to a STREET or a driveway connecting such LOTS with each other.
- 6.9.2.4 Number of Parking Spaces - In the WAV District, the minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1. In the case of collective use of a parking facility in accordance with Section 6.9.2.5, the minimum number of required parking spaces shall be 50% of the requirements in Section 6.3.1.
- 6.9.2.5 Collective Use of Parking Facilities - In the WAV District, off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the WAV District where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. The parking spaces provided through the collective use of parking facilities shall be counted towards the minimum required number of spaces for the participating USES applying the discount as set forth in Section 6.9.2.4.
- 6.9.2.6 Design Requirements - Off-STREET parking spaces in the WAV District, except parking spaces serving a single or two FAMILY residential USE, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements:
- a) Required parking spaces, ACCESS driveways, and interior driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in Section 6.9.2.7.
 - b) ACCESS Driveways - Not more than one ACCESS driveway for two-way traffic from a STREET to a parking facility shall be permitted. An additional ACCESS driveway from a STREET may be permitted provided that the ACCESS driveways are limited to one-way traffic. However, there shall not be more than two (2) ACCESS driveways for one-way traffic for any parking facility. ACCESS, interior and common driveways for two-way traffic shall be twenty feet (20') wide. The ACCESS, interior and common driveways for one-way traffic shall be fourteen (14) feet wide.
 - c) Set-Backs - Except where parking lots established in accordance with Section 6.9.2.5 cross over common LOT lines, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of five (5) feet from any LOT lines.

6.9.2.7 Landscaping of Parking Lots in the WAV District - Parking lots shall include a landscape area equal to a minimum of five percent (5%) of the area of the parking lot.

- a) Shade trees - One shade tree shall be provided for each two thousand (2000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expect to reach at least 20 feet in height at maturity; be seven (7) feet in height with a trunk caliper size of at least 3/4 inches at the time of planting; and be surrounded by a landscaped area of one hundred square feet (100 sq.ft.) to accommodate the root system of the tree. Additional landscaping may be required by a Special Permit Granting Authority to better screen the parking lot from the STREET and adjacent USES.
- b) Perimeter Planting Strip - Parking lots adjacent to STREETS, sidewalks, paths or ACCESS driveways shall include a perimeter planting strip at least seven and one-half (7.5) feet wide. However, if the planting strip is protected from vehicular damage through the use of planting beds that are raised above the surface of the parking lot at least twelve (12) inches or through the use of bollards or balustrades, the width of the planting strip may be reduced to five (5) feet. Said planting strip shall feature a physical separation of the parking lot and adjacent ways of at least two and one-half (2.5) feet in height. This physical separation may be created through the use of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination of plantings and fencing. No more than twenty percent (20%) of this perimeter planting strip shall be impervious.
- c) Plantings - Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.
- d) Sight Distance - All landscaping along any STREET FRONTAGE shall be placed and maintained so that it will not obstruct sight distance.
- e) Protection of Landscaped Areas - Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.

C. Amend the following sections of the to correct cross-references within the Zoning Bylaw as follows:

In Section 3.9.2, change from 6.8 to 6.7;
In Section 6.1.1, change from 6.8.2 to 6.7.2;
In Section 6.8.5, change from 6.8.7 to 6.7.7;
In Section 9A.7.5, change from 6.8 to 6.7, and
In Section 10.4.4.1 c), change from 6.8 to 6.7.

or take any other action relative thereto.

SUMMARY

If adopted, this article amends Section 6, Parking Standards, to establish special provisions for parking in the West Acton Village District in recognition of the unique limitations and benefits of a village environment, such as on-street parking, one-stop shopping, many pedestrians and limited space.

Part A will create the framework for a separate section to regulate parking in the Village Districts. The re-numbering of sections in Part A and the new sections in Part B create the need for some housekeeping amendments to correct cross references which will be completed in Part C.

In Part B, special provisions for parking in the village districts are established. These provisions will permit parking lot designs, including landscaping that can be achieved in the tight space of a village setting rather than subjecting village properties to the same parking standards that would apply to large scale industrial parks and shopping centers. Less off-street parking spaces will be required than elsewhere in Town, to recognize the availability of on-street parking and one-stop shopping in West Acton Village. Businesses will be encouraged to share parking facilities and connections with adjacent parking facilities will be required wherever possible. Shared and connected parking facilities will improve automobile and pedestrian safety, convenience and comfort, a goal of the West Acton Village Plan.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned: Anne Fanton

(S) Recommended
(F)

ARTICLE 45 - SITE PLAN SPECIAL PERMIT IN VILLAGE DISTRICTS (2/3 Vote Required)

To see if the Town will vote to amend Section 10 of the Acton Zoning Bylaw as follows:

- A. Delete Section 10.4.1 and replace with new sections 10.4.1, 10.4.1.1, and 10.4.1.2 as follows:

10.4.1 Applicability - A Site Plan Special Permit shall be required as follows:

10.4.1.1 In the WAV District, a Site Plan Special Permit shall be required in all instances 1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or 2) where the NET FLOOR AREA of an existing BUILDING is increased 500 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or 3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 500 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.

10.4.1.2 In all other zoning districts, a Site Plan Special Permit shall be required in all instances 1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or 2) where the NET FLOOR AREA of an existing BUILDING is increased 1200 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or 3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 1200 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.

B. Add new Section 10.4.3.9 as follows:

10.4.3.9 Special Provisions Applicable to the West Acton Village District - In the WAV District, the design and placement of BUILDINGS, STRUCTURES and other site improvements shall be carefully considered to ensure the retention and enhancement of the village character and environment. Proposed BUILDINGS and STRUCTURES shall be related harmoniously to the terrain and to the scale and architecture of existing BUILDINGS in the village that have a functional or visual relationship to the proposed BUILDINGS and STRUCTURES. Proposed BUILDINGS and STRUCTURES shall be compatible with their surroundings with respect to: height; facade facing the STREET; rhythm of solid surfaces and openings; spacing of BUILDINGS and STRUCTURES; roof slopes, and scale. To minimize the impact of mechanical equipment on the West Acton Village environment and character, window air conditioning units, condenser elements, and heating units shall not be located on the front facades. A certificate issued by the Acton Historic District Commission for development activity proposed on a LOT that is located within the West Acton Local Historic District shall be deemed to satisfy this section.

or take any other action relative thereto.

SUMMARY

If this article is adopted, Part A will amend the Site Plan Special Permit provisions of the Zoning Bylaw to change the threshold for site plan review from gross floor area to net floor area to be consistent with the other sections of the Bylaw.

Part A will also require site plan special permits for development proposals of 500 square feet or more in the West Acton Village District rather than the 1200 square feet threshold in effect elsewhere. In the close knit mixture of buildings and uses of West Acton Village small changes take on a relatively greater importance to abutters and to the village as a whole. This change will ensure better coordination of new development with the existing village fabric.

Part B will add a special provision to regulate the development of a site in the WAV District to ensure that additions and new construction will be compatible with the style, size and proportions of existing buildings. This measure will aid in the preservation of the character of West Acton Village, a goal of the Village Plan.

Direct inquiries to: Donna Jacobs, Assistant Town Planner 264-9636
Selectman Assigned: William Mullin

(S) Recommended
(F)

ARTICLE 46* - TRACT OF LAND REQUIRED FOR CERTAIN DEVELOPMENTS
(2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Bylaw as follows:

A. Section 4. Add the following sub-sections to Section 4.2.3.1:

- a) The Planning Board may permit LOTS on directly opposite sides of a STREET to qualify as a single TRACT OF LAND. To permit such division of a TRACT OF LAND by a STREET, the Planning Board must find that this would enhance the purposes of Open Space Development and not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this Bylaw if the LOTS on either side of the STREET were developed separately. If the Board approves a TRACT OF LAND divided by a STREET, it may permit the total number of permitted DWELLING UNITS to be constructed on either side of the STREET. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS shall be constructed in accordance with the applicable dimensional requirements in Open Space Developments, and the required Common Land may consist of land located on either side of the STREET.
- b) Where a TRACT OF LAND is divided by a zoning district boundary between any of the R-2, R-4, R-8/4, R-10 or R-10/8 districts and the TRACT OF LAND meets the largest of the size requirements for any of the involved districts, the total number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS may be located in either district but shall be constructed in accordance with the dimensional requirements for LOTS and BUILDINGS in Open Space Developments for the district in which the DWELLINGS UNITS are located. The required Common Land shall be large enough to meet the largest of the requirements of the involved zoning districts.

B. Section 9. Add the following sub-sections to Section 9.6.2.1:

- a) The Planning Board may permit LOTS on directly opposite sides of a STREET to qualify as a single TRACT OF LAND. To permit such division of a TRACT OF LAND by a STREET, the Planning Board must find that this would enhance the purposes of PCRC and not result in any more DWELLING UNITS than would be possible in accordance with the provisions of this Bylaw if the LOTS on either side of the STREET were developed separately. If the Board approves a TRACT OF LAND divided by a STREET, it may permit the total number of permitted DWELLING UNITS to be constructed on either side of the STREET. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS shall be constructed in accordance with the applicable PCRC requirements and the required Common Land may consist of land located on either side of the STREET.

- b) Where a TRACT OF LAND is divided by a zoning district boundary between any of the R-2, R-4, R-8/4, R-10 or R-10/8 districts the total number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately. AFFORDABLE DWELLING UNITS generated on the TRACT OF LAND under the provisions of Section 4.4.3 may be sited along with the other DWELLING UNITS whether or not the location of the AFFORDABLE DWELLINGS UNITS is within the AFFORDABLE Housing Overlay District. The DWELLING UNITS may be located in either district and shall be constructed in accordance with PCRC requirements.

or take any other action relative thereto.

SUMMARY

Currently, only land undivided by a street can be considered for Open Space Developments or Planned Conservation Residential Communities. This article, if adopted, will allow the Planning Board to consider land divided by a street as a single tract of land under the provisions for Open Space Developments and Planned Conservation Residential Communities. The Planning Board, at its discretion, may then allow all dwellings in an Open Space Development or Planned Conservation Residential Communities to be located on one side of a street and all common land, which is to be preserved as open space, to be located on the other side of the street. This will give the Planning Board greater flexibility in siting dwellings and open space in the most suitable and appropriate locations.

The article will also provide standards for locating dwellings within an Open Space Development and a Planned Conservation Residential Community if the tract of land is divided into different residential zoning districts with different provisions for maximum density and affordability. It will allow the Planning Board to locate all houses in the most suitable portion or portions of the tract of land regardless of that portion's location relative to any zoning district on the tract.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Norman Lake

(S) Recommended
(F)

ARTICLE 47* MAXIMUM LIMIT FOR RESIDENTIAL COMPONENT IN PLANNED UNIT DEVELOPMENTS (2/3 Vote Required)

To see if the Town will vote to delete Section 9A.7.2.5 of the Acton Zoning Bylaw and replace it with the following new Section 9A.7.2.5:

9A.7.2.5 Mix of USES - Residential USES shall comprise at least 40% but not more than 60% of the NET FLOOR AREA of all BUILDINGS in a PUD. If the PUD contains warehouses the NET FLOOR AREA of residential USES may be reduced to 25%. Industrial USES shall not exceed 30% of the NET FLOOR AREA of all BUILDINGS in the PUD.

or take any other action relative thereto.

SUMMARY

Current zoning regulations set a maximum percentage for non-residential components in a Planned Unit Development, but fail to set a maximum limit for the residential component. As result, Planned Unit Developments, which are permitted in business and industrial districts and are intended to be mixed use developments, could become exclusively residential. This would be inconsistent with the purpose of Planned Unit Developments and the Master Plan, and not in the best interest of the Town's tax base. This article, if adopted will establish a maximum percentage (60% net floor area) for the residential component in a Planned Unit Development.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Anne Fanton

(S) Recommended
(F)

ARTICLE 48* CORRECTIONS, CLARIFICATIONS AND MINOR ADJUSTMENTS TO THE ZONING BYLAW (2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Bylaw as follows:

- A. Section 4. Insert at the end of the beginning paragraph of Section 4.3.3 the following:

"The terms defined below are capitalized in this Section 4.3 in addition to the terms defined in Section 1."

- B. Section 4. In Section 4.3.6.3, replace the words "All water runoff from impervious covers shall, at a minimum, be funneled into gas trap catch basins. The first (1st) inch of every storm" with the new words

"All water runoff from IMPERVIOUS COVERS shall be funneled into gas trap catch basins. In addition, the first (1st) inch of every storm".

- C. Section 4. In Section 4.3.6.5 add at the end of the Section the following:

"The following sentence shall not apply to BUILDINGS, STRUCTURES and other land improvements for which a Site Plan Special Permit application or Building Permit application is submitted between March 1, 1994 and May 31, 1994 inclusive: Where a LOT is partly in ZONE 4 and partly in another ZONE of the GROUNDWATER Protection District, IMPERVIOUS COVER runoff, generated in the ZONE 4 portion of the LOT but infiltrated, or discharged from the LOT, in a ZONE 1, 2 or 3 portion of the LOT, shall meet the same quality standard at the point of infiltration or discharge as if the runoff had been generated in ZONES 1, 2 and 3."

D. Section 4. In Table 4.3.7.2 - part 18, delete text in first column and replace with:

18. Subsurface disposal of wastewater effluent on a parcel of land which is not a buildable LOT as defined in footnote (**).

E. Section 4. In Table 4.3.7.2 - footnote (**), add the following to the end of the existing text:

"and Common Land as provided for in Sections 4.2, 4.4 and 9 of this Bylaw."

F. Section 5. In Section 5.2.7.2, delete the part of the section beginning with "In all districts appurtenant STRUCTURES" to the end.

G. Section 5. Delete Section 5.3.5 and replace with new section 5.3.5 as follows:

5.3.5 Height of BUILDINGS

5.3.5.1 In all districts appurtenant STRUCTURES located upon the roof of a BUILDING may extend above the height limit but in no case shall they exceed 45 feet in height when combined with the height of the BUILDING nor in the aggregate occupy more than 20% of the roof plan area unless authorized by special permit from the Board of Appeals or unless in compliance with Section 5.3.5.2 of this Bylaw.

5.3.5.2 In the General Industrial and Industrial Park Districts the height of BUILDINGS may be increased by right above 40 feet provided that 1) the minimum OPEN SPACE provided on the LOT is 45% or more in the General Industrial District and 60% or more in the Industrial Park District, 2) the maximum BUILDING coverage on the LOT is 25% or less, and 3) the maximum height of the BUILDING is 50 feet or less. The Board of Appeals may authorize by special permit that appurtenant STRUCTURES located upon the roof of any BUILDING in compliance with the above may extend above the height limit but in no case shall they exceed 55 feet in height when combined with the height of the BUILDING nor in the aggregate occupy more than 20% of the roof plan area.

H. Section 5. In section 5.3.6 replace the words "bordering freshwater wetlands" with the new words

"Freshwater Wetlands".

I. Section 5. In Section 5.3.9, replace the words "Maximum NET FLOOR AREA - 3000 square feet" with the following new words:

"Maximum NET FLOOR AREA - 1000 square feet"

and delete the words

"Maximum number of children present at any one time - 25".

J. Section 5. Amend the TABLE OF STANDARD DIMENSIONAL REGULATIONS as follows:

1. Delete the first and second line below the title and replace with:

"See also Special Provisions and Exceptions to Dimensional Regulations (Section 5.3), Transfer of Development Rights for special dimensional regulations affecting the LB, NAV and EAV Districts and certain land in the R-2, R-8 and R-10/8 Districts along and near Great Road (Section 5.4), Special Provisions for Village Districts (Section 5.5), Special Dimensional Requirements in the Groundwater Protection District (Section 4.3), and Special Dimensional Regulations for Open Space Developments (OSD - Section 4.2), Planned Conservation Residential Communities ((PCRC - Section 9) and Planned Unit Developments (PUD - Section 9A)."

2. Delete the last line of the Table which begins with the Zoning District designation PCRC.

K. Section 9. In Section 9.6.2.4, delete the first sentence and replace with the following new sentences:

"There shall be not more than four DWELLING UNITS in any residential BUILDING. Except in the case of detached single family dwellings, there shall be not more than two garage spaces per DWELLING UNIT in any residential BUILDING."

L. Section 9A. In Section 9A.2, insert as a lead paragraph under the section title the following:

"For the purpose of this Section, the following terms shall have the following meaning. The terms defined below are capitalized in this Section 9A in addition to the terms defined in Section 1."

or take any other action relative thereto.

SUMMARY

In interpreting and enforcing the Zoning Bylaw, Town boards and staff collect notes on errors, inconsistencies, deficiencies and unclear passages in the Zoning Bylaw so that corrections can be made periodically. This article, if adopted, will make a series of such corrections, most of them without changing the intent, contents or substance of the Zoning Bylaw. Minor substantive changes are in parts C, I and K.

Part C will close a regulatory deficiency concerning the treatment of storm water surface runoff on lots that are partly in one and partly in another Zone of the Groundwater Protection District. It will require that runoff that is infiltrated or discharged from the site in Zone 1, 2 or 3 (zones affording greater groundwater protection) must meet the quality standards of these Zones, even if the runoff originates from Zone 4 (zone affording less groundwater protection). Projects for which site plan or building permit applications are filed between March 1, 1994 and May 31, 1994 will be exempt, in order to avoid significant redesign costs for projects currently in the planning stages.

Part I will eliminate the invalid zoning regulation that limits to 25 the number of children in a child care facility located in residential districts. The Attorney General recently ruled that the number of children in child care facilities may not be directly regulated under local zoning bylaws. To ensure that this zoning change will not result in any larger child care facilities in residential areas than allowed under current zoning, Part I also proposes to limit the maximum permitted floor area of a child care facility in residential districts to 1000 square feet, down from 3000 square feet. 1000 square feet of floor space provides room for approximately 25 children based on minimum space requirements set forth by the State Office for Children.

Part K would permit garages with more than 2 car spaces for single family dwellings in a Planned Conservation Residential Community. Garage spaces for multifamily dwellings would remain limited to two per dwelling unit if the garage spaces are incorporated in the same building as the dwelling units.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: Nancy Tavernier

(S) Recommendation Deferred
(F)

**ARTICLE 49* ACCOMMODATION OF HANDICAPPED AND VAN
ACCESSIBLE PARKING
(2/3 Vote Required)**

To see if the Town will vote to delete Section 6.3.2 of the Acton Zoning Bylaw and replace it with a new Section 6.3.2 as follows:

6.3.2 Parking for Persons with Disabilities - Parking spaces for persons with disabilities as required by the Massachusetts Architectural Access Board shall be provided as part of the spaces required under Section 6.3.1.

or take any other action relative thereto.

SUMMARY

The Americans with Disabilities Act (ADA) requires new and increased standards for parking spaces for persons with disabilities. The regulation and enforcement of parking and access for persons with disabilities most appropriately remains in federal authority under the ADA and in State authority under the regulations of the Architectural Access Board. However, this article, if adopted, will facilitate implementation of the federal and state regulations by allowing parking spaces for persons with disabilities to be part of, rather than in addition to, the overall number of required parking spaces.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F)

ARTICLE 50* - CHANGE SPECIAL PERMIT REQUIREMENT FOR COMMON DRIVES

(2/3 Vote Required)

To see if the Town will vote to delete Section 3.8.1.5 of the Acton Zoning Bylaw and replace it with a new Section 3.8.1.5 as follows:

3.8.1.5 Common Drives for vehicular and non-vehicular ACCESS by way of rights-of-way or easements serving more than one LOT. Common Drives are not STREETS and do not provide FRONTAGE for LOTS. Common Drives serving 6 or more LOTS shall require a special permit by the Planning Board. Common Drives serving more than 2 LOTS but less than 6 LOTS shall be constructed in compliance with the following requirements prior to the occupancy of any DWELLING UNITS served by the Common Drive:

- a) All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on local STREETS the entire pavement width is available for turns, whereas on collector and arterial STREETS a turn shall be possible without obstructing oncoming traffic. (local, collector and arterial STREETS as defined in the Acton Subdivision Rules and Regulations).
- b) There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) at the end of the Common Drive.
- c) The maximum grade within 50 feet of the intersection with a STREET shall be 5%.
- d) The intersection angle between the Common Drive centerline and the STREET centerline shall be not less than 60 degrees.
- e) The maximum grade shall be 10%. The minimum grade shall be 1%.
- f) The Common Drive shall be laid out within a 40 foot wide utility and ACCESS easement.
- g) The minimum centerline radius shall be 80 feet.
- h) The stopping sight distance along the Common Drive shall be not less than 125 feet.
- i) The design shall be for a maximum design speed of 25 miles per hour.
- j) The minimum sight distance at the intersection of the Common Drive with a STREET shall be 275 feet, and 450 feet where the STREET is an arterial STREET (arterial STREET as defined in the Acton Subdivision Rules and Regulations).

- k) Adequate drainage shall be provided. The drainage design and appurtenances shall prevent washout and excessive erosion and it shall prevent drainage onto a STREET. Subsurface discharge to a public drain system shall be allowed only if there is sufficient capacity in the public drain system based on a 10-year design storm.
- l) The paved wear surface shall be at least 12 feet wide and consist of a minimum of 3 inches of Type I bituminous concrete, applied in two courses, over a minimum base of 12 inches of properly prepared and compacted gravel, graded to drain from the crown.
- m) There shall be a minimum 3 foot wide shoulder on each side free of obstructions such as trees or utility poles. The shoulder shall be prepared with 3-4 inches of topsoil over the same gravel base as the wear surface, and seeded.
- n) There shall be a sign posted at the Common Drive intersection with the STREET displaying the name of the Common Drive and indicating "private way".
- o) A sidewalk shall be constructed along the STREET FRONTAGE of all LOTS served by the Common Drive except where a sidewalk already exists there. The sidewalk shall be 5 feet wide, follow in general the grade of the STREET and have wheelchair ramps at crossings. Sidewalk easements shall be provided as necessary.
- p) An agreement providing ACCESS over the Common Drive to all the LOTS and making all the LOTS served by the Common Drive jointly and severally responsible for its maintenance and repair, including snow plowing, shall be recorded. Evidence of recording shall be given to the Building Commissioner prior to the issuance of a building permit on any LOT served by the Common Drive.
- q) Compliance with the Common Drive construction and design requirements shall be demonstrated to the Building Commissioner by means of propose plans and as-built plans for the Common Drive and sidewalk, prepared by a registered professional engineer. The Building Commissioner shall have the power to establish requirements as to the form and contents of such plans.

or take any other action relative thereto.

SUMMARY

This article, if adopted, will increase the number of residential lots which can be served by a common drive without special permit approval to 5 from the current limit of 2. Proven design standards for width, grades and other aspects will replace the special permit review. Over the years, the Planning Board has dealt with common drives frequently and feels that clear design standards as set forth in this article will adequately address public health, safety and welfare concerns while reducing administrative burdens on Town staff and boards at a time of shrinking resources. Common Drives serving 6 or more lots will still require a special permit.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F)

ARTICLE 51*ELIMINATE SPECIAL PERMIT REQUIREMENTS FOR CERTAIN ACCESSORY USES

(2/3 Vote Required)

To see if the Town will vote to amend Section 3 the Acton Zoning Bylaw as follows:

A. Delete Section 3.8.2.3 and replace it with a new Section 3.8.2.3 as follows:

3.8.2.3 Drive-up facilities in a bank.

B. Delete Section 3.8.4.4 and replace it with a new Section 3.8.4.4 as follows:

3.8.4.4 Where not otherwise permitted, a greenhouse where the PRINCIPAL USE of the LOT or property is agriculture.

or take any other action relative thereto.

SUMMARY

This article, if adopted, will eliminate the requirement for a special permit for bank drive-up windows in the General Business, Limited Business and Kelley's Corner Districts, and for greenhouses associated with agricultural uses. Like the previous article, this article seeks to reduce non-essential administrative requirements at a time of shrinking municipal resources. Construction of new banks and financial institutions, and expansions by more than 1200 square feet of existing ones, with or without a drive-up window, will still require a site plan special permit. Also, no site plan special permit is required for agricultural uses. Only very few agricultural uses remain in Acton.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F)

ARTICLE 52* - ELIMINATE PROHIBITION AGAINST AND SPECIAL PERMIT REQUIREMENT FOR TERTIARY WASTEWATER TREATMENT FACILITIES

(2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Bylaw by deleting parts 23. and 24. of Table 4.3.7.2 and footnote (***) of Table 4.3.7.2., and by inserting a new part 23. as follows:

Table 4.3.7.2

	ZONE 1	ZONE 2	ZONE 3
23. Subsurface disposal of tertiary treated wastewater effluent.	Y	Y	Y

or take any other action relative thereto.

SUMMARY

This article, if adopted, will permit as of right tertiary wastewater treatment plants in all zones of the Groundwater Protection District. Tertiary wastewater treatment plants are currently either prohibited or require a special permit depending on their size and location relative to the various zones of the Groundwater Protection District. Reliably and consistently, these plants release purer and cleaner effluent than any septic system. Therefore, these plants provide a preferred alternative to septic systems when it comes to groundwater protection regardless of density or use on the land. Tertiary treatment plants are strictly regulated, monitored and inspected by the Massachusetts Department of Environmental Protection and the Acton Board of Health. The Planning Board special permit adds a third layer of review which will be eliminated with this article. This article, too, seeks to reduce non-essential administrative requirements at a time of shrinking municipal resources.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F)

ARTICLE 53* ELIMINATION OF SPECIAL PERMIT REQUIREMENTS FOR CERTAIN DIMENSIONAL PROVISIONS
(2/3 Vote Required)

To see if the Town will vote to amend Section 5 of the Acton Zoning Bylaw as follows:

- A. In Section 5.2.7.2 (Section 5.3.5.1 if Article 99 is adopted), delete the phrase towards the end of the section which reads "unless authorized by special permit from the Board of Appeals or".
- B. In Section 5.3.5 (Section 5.3.5.2 if Article 99 is adopted), delete the last sentence which begins with the words "The Board of Appeals may authorize by special permit ...".

- C. In Section 5.3.2.1 delete in the second sentence the phrase which reads "by Special Permit from the Board of Selectmen".

or take any other action relative thereto.

SUMMARY

This article, as proposed in several previous zoning articles, seeks to reduce non-essential administrative requirements at a time of shrinking municipal resources. Part A eliminates the possibility of allowing, by special permit, unlimited increases in the height of buildings. Part B eliminates a special permit to allow an increase in building height by a mere 5 feet. Part C eliminates a special permit for single family dwellings in the multifamily Residence A District. Existing dimensional standards set forth elsewhere in the Bylaw are sufficient to ensure public health, safety and welfare without a special permit requirement.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned: F. Dore' Hunter

(S) Recommended
(F)

ARTICLE 54 - ASSOCIATE MEMBERS FOR PLANNING BOARD WHEN ACTING AS SPECIAL PERMIT GRANTING AUTHORITY (2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Bylaw by inserting a new Section 10.3.9 as follows:

- 10.3.9 Planning Board Associate Members - When the Planning Board is acting as a Special Permit Granting Authority under this Bylaw, the Chairman of the Planning Board may designate an associate member, duly appointed by the Board of Selectmen, to sit on the Board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any regular member of the Planning Board or in the event of a vacancy on the Planning Board.

or take any other action relative thereto.

SUMMARY

The Planning Board consists of 7 regular members. Additional associate members have been appointed by the Board of Selectmen to assist the Planning Board in its duties, gain experience on the Board, and serve as advisors as needed. The associate members cannot participate in any votes of the Planning Board. There are currently 2 associate members. This article, if adopted, will authorize up to two Planning Board associate members to vote on zoning special permits as substitutes for regular Planning Board members in the event of absence, inability to act, or conflict of interest on the part of a regular Planning Board member. Adoption of this article is authorized under the provisions of Massachusetts General Law, Chapter 40A (the Zoning Act), Section 9.

This article will allow the Planning Board to better fulfill its responsibilities as a special permit granting authority under the Acton Zoning Bylaw and State Zoning Act. The granting of a special permit requires the affirmative vote of a $\frac{2}{3}$ majority, or at least 5 out of 7 members of the Planning Board. All members voting in favor or not in favor of granting a special permit must have been in attendance throughout the special permit hearing process. All Planning Board members, regulars and associates, are citizen volunteers owning property in Acton. They have families and professional commitments. This sometimes conflicts with their duties as Planning Board members. This article, if adopted, will lend greater flexibility to the Planning Board when acting as a special permit granting authority, and help ensure that the Planning Board can perform its duties in a timely manner.

All other functions of the associate members will remain advisory only. This article will not authorize associate members to vote on any other business of the Planning Board. This change also requires a Charter change, see Article 99.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S) Recommendation Deferred
(F)

ARTICLE 55 - CHARTER CHANGE - ASSOCIATE MEMBERS FOR PLANNING BOARD WHEN ACTING AS SPECIAL PERMIT GRANTING AUTHORITY
(Majority Vote Required)

To see if the Town will vote to amend the Town Charter to provide that the Planning Board, in addition to its regular members, may have associate members pursuant to M.G.L., Chapter 40A, Section 9, or take any other action relative thereto.

SUMMARY

The Planning Board consists of 7 regular members. Additional associate members have been appointed by the Board of Selectmen to assist the Planning Board in its duties, gain experience, and serve as advisors as needed. The associate members cannot participate in any votes of the Planning Board. There are currently 2 associate members. This article, if adopted, will change the Charter to authorize up to two Planning Board associate members to vote on zoning special permits as substitutes for regular Planning Board members in the event of absence, inability to act, or conflict of interest on the part of a regular Planning Board member. Article 99, if adopted, amended the Acton Zoning Bylaw for this purpose whereas this article makes the required Charter change.

This article will allow the Planning Board to better fulfill its responsibilities as a special permit granting authority under the Acton Zoning Bylaw and State Zoning Act. The granting of a special permit requires the affirmative vote of a $\frac{2}{3}$ majority, or at least 5 out of 7 members of the Planning Board. All members voting in favor or not in favor of granting a special permit must have been in attendance throughout the special permit hearing process. All Planning Board members, regulars and associates, are citizen volunteers owning property in Acton. They have families and professional commitments. This sometimes creates conflicts with their duties as Planning Board members. This article, if adopted, will lend more flexibility to the Planning Board when acting as a special permit granting authority, and help ensure that the Planning Board can perform its duties in a timely manner.

All other functions of the associate members will remain advisory only. This article will not authorize associate members to vote on any other business of the Planning Board. If this article is adopted, the Charter change must be reaffirmed by a subsequent vote in general elections.

Direct inquiries to: Roland Bartl, Town Planner 264-9636
Selectman Assigned:

(S) Recommendation Deferred
(F)

ARTICLE 56# PETITION TO CHANGE ZONING OF LAND IN ACTON
(2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Map by rezoning from the East Acton Village (EAV) District to the Limited Business (LB) District a certain parcel of land shown as parcel 28-1 on map sheet G-4 of the 1993 edition of the Acton Town Atlas. Said parcel is located at 107 Great Road.

SUMMARY

DESCRIPTION OF PROPERTY: The land and building thereon presently is zoned East Acton Village. The article, if adopted will rezone it to Limited Business. The parcel consists of approximately 1/2 acre. It is located at 107 Great Road (Route 2A), on the north side of Great Road near its intersection with Concord Road. Presently it is being used for a chiropractic office. On the easterly side is the old Victorian house that is slowly decaying, zoned East Acton Village. On the westerly side are 2 acres, presently undeveloped, zoned Limited Business.

REASON TO CHANGE: Nashoba Valley Trailers (a long time standing business) would like to move to this Route 2A location to conduct business. The business, presently located on Route 27, has grown to a point where it would like to consolidate its operation in one building rather than three. At the present site and with the acreage and setbacks at the present buildings on the Route 27 site this would be impossible. In addition the site on Route 2A is in a commercial district in appearance, with the shopping center and cinema to the east and general commercial activity to the west.

Selectman Assigned: Norman Lake

(S) Recommendation Deferred
(F)

ARTICLE 57 - PUBLIC USE OF LAND BY TOWN OR AGENCY OTHER THAN THE TOWN OF ACTON AND THE WATER SUPPLY DISTRICT OF ACTON
(2/3 Vote Required)

To see if the Town will vote to amend the Acton Zoning Bylaw as follows:

A. Add new Section 3.4.7 as follows: